

**PUBLIC NOTICE OF A MEETING
OF THE CITY COUNCIL OF PLEASANT VIEW CITY, UTAH**

November 10, 2015

Public Notice is hereby given that the City Council of Pleasant View, Utah will hold a Public Meeting in the city office at 520 West Elberta Dr. in Pleasant View, Utah on Tuesday, November 10, 2015, after the Redevelopment Agency Meeting beginning at 6:00 P.M.

The agenda consists of the following:

Comments/Questions for the Mayor & Council for items not on the agenda (public)

Consent Items:

- Minutes of October 27, 2015
- Bills of Pleasant View City

Business:

- 7:10 P.M. 1. Discussion and possible action on the approval of an ordinance adopting the 2700 North Community Development Project Area Plan. *(Presenter: Valerie Claussen)*
- 7:20 P.M. 2. Discussion and possible action on an appeal request by Kirt Peterson, with Pleasant View Holdings IV, for the June 4, 2015 planning commission decision on the Station at Pleasant View, Phase 3 appeal for a Conditional Use Permit, for the adoption of Master Development Guidelines for a multi-family high density residential use of 132 units on 9.97 acres zone located at approximately 2900 North Highway 89 (TIN: 19-016-0023), which property lies in the in the TOD (Transportation Oriented Development) zoning district. *(Presenter: Valerie Claussen)*
- 8:00 P.M. 3. Discussion on the Transportation Utility Fee (TUF) analysis and proposed scenarios. *(Presenter: Valerie Claussen)*
- 8:30 P.M. 4. Discussion on the 2016 RAMP Grant Application Cycle. *(Presenter: Valerie Claussen)*
- 8:45 P.M. 5. Discussion and report on the final closeout of the Pickleball Court Project. *(Presenter: Melinda Greenwood)*
- 9:00 P.M. 6. Closed Meeting.
7. Action items from closed meeting.

Other Business

Adjournment

The City Council at their discretion may change the order and times of the agenda items.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Pleasant View City Office at 801-782-8529, at least 24 hours prior to the meeting.

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF PLEASANT VIEW CITY, UTAH**

October 27, 2015

The public meeting was held in the city office at 520 West Elberta Dr. in Pleasant View, Utah, commencing at 6:03 P.M.

MAYOR: Toby Mileski

COUNCILMEMBERS: Scott Boehme (*absent*)
Jerry Burns
Michael Humphreys
Steve Gibson
Tony Pitman

STAFF: Valerie Claussen Laurie Hellstrom
Ryon Hadley

VISITORS: Jeff Hill Shannon Pitman
Andy Nef

Pledge of Allegiance: Toby Mileski

Opening Prayer, Reading or Expression of Thought: Toby Mileski

Comments/Questions for the Mayor & Council for items not on the agenda.

None were given.

Consent Items:

Motion was made by CM Gibson to approve the consent items (minutes of October 13, 2015 (5:00 PM Meeting & 6:00 PM Meeting), bills of Pleasant View City, approval and ratification of city road striping expenditure in the amount of \$13,086.92, and approval on the expenditure for Pleasant View City Park south ballfield improvements for the amount of \$19,525. 2nd by CM Pitman. Voting Aye: CM Burns, CM Gibson, CM Pitman and CM Humphreys. Motion passed 4-0.

**1. Re-appoint Councilmember Gibson to the Weber Mosquito Abatement District.
(Presenter: Mayor Mileski)**

Motion was made by CM Burns to re-appoint Councilmember Gibson to the Weber Mosquito Abatement District. 2nd by CM Humphreys. Voting Aye: CM Burns, CM Gibson, CM Pitman and CM Humphreys. Motion passed 4-0.

OTHER BUSINESS:

Melinda Greenwood: I am restricted for three more weeks due to back surgery.

CM Pitman: North Ogden's Mayor Taylor had a talk with the senior's at the Senior Citizens Center.

CM Gibson: North Ogden's bid for 2,500 feet of walking path is \$58,000.

CM Burns: we will have the same signage motif for the shop campus and at the city park. We also have ideas for the roundabout and intersections of the city that will all have the same type landscaping with rocks and mugo pines.

Mayor Mileski: the Weber Coalition Meeting is tomorrow at 6:30 PM at our city office. The work on the 911 building is coming along.

Valerie Claussen: boy's basketball will be ending and girl's basketball will begin. The restrooms will be closed this week in the parks. We will be submitting grant applications to WFRC for the 2500 N road, and for codes/guidelines. We received seven responses on the RFP for the website. The planning commission will be working on the General Plan update and OP Tank's C.U.P. The Station at Pleasant View advisory opinion is done and the City's interpretation is incorrect. The water subcommittee met. Jessie Creek is under performing and will affect the State's required 800gpm. The fourth well will bring us up to date with what we need. We could look at lowering the 800gpm to 600gpm-700gpm. We are still looking at water from Bona Vista/Weber Basin route. We have a meeting tomorrow with Cliff at Bona Vista to look at the feasibility of it and not for negotiations. We could look at another well site. CM Burns: to apply to the State for a change the process takes 18 months to 2 years. We are going in a good direction. The water discuss continued.

Ryon Hadley: there was an ordinance violation on Pleasant View Drive. We had Strike Force look at the drug house and we went under as a code violation, made an arrest and the trailer will be removed. In the trailer park a firearm was banished and the person is in custody. Officer Wilson was the only officer there. Spillman is the new county wide program. There will be training January and it will be up and running in March. Nyx is better and will continue the training program. At WHS a handicap student broke out some windows and Officer Done was kicked. The officers are covering 10 to 15 calls per shift.

Adjournment: 7:21 P.M.

Report Criteria:

Detail report.

Invoices with totals above \$0.00 included.

Only paid invoices included.

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid
10-22500 INSURANCE PAYABLE					
PEHP-LTD	103115	LTD COVERAGE	10/31/2015	245.56	245.56
Total 10-22500 INSURANCE PAYABLE:				245.56	245.56
10-22600 FLEX SPENDING PAYABLE					
PEHP-FLEX	103115	FLEX SPENDING PROGRAM	10/31/2015	549.20	549.20
PEHP-FLEX	11/1/15	FLEX SPENDING PROGRAM	11/01/2015	19.25	19.25
Total 10-22600 FLEX SPENDING PAYABLE:				568.45	568.45
10-22900 Miscellaneous Payable					
FRATERNAL ORDER OF POLIC	112015	FOP MEMBERSHIP FOR CHALYCE COOMES	11/01/2015	35.00	35.00
Total 10-22900 Miscellaneous Payable:				35.00	35.00
10-41-310 PROFESSIONAL & TECHNICAL					
TECSERV, INC.	12308	MONTHLY NETWORK SERVICES-LEGIS	11/01/2015	52.63	52.63
Total 10-41-310 PROFESSIONAL & TECHNICAL:				52.63	52.63
10-41-330 EDUCATION AND TRAINING					
ZION'S BANK-BANKCARD CENT	101615.2	UTAH LEAGUE OF CITIES- MAYOR'S LEAGUE CONF REG	10/16/2015	350.00	350.00
Total 10-41-330 EDUCATION AND TRAINING:				350.00	350.00
10-41-620 MISCELLANEOUS					
ZION'S BANK-BANKCARD CENT	101615.8	AMAZON.COM-MELINDA'S GET WELL GIFT AFTER SURG	10/16/2015	25.82	25.82
Total 10-41-620 MISCELLANEOUS:				25.82	25.82
10-42-230 TRAVEL					
ZION'S BANK-BANKCARD CENT	101615.10	BEST WESTERN ABBEY INN-LODGING FOR ELAINE/BCI	10/16/2015	241.04	241.04
Total 10-42-230 TRAVEL:				241.04	241.04
10-42-280 TELEPHONE					
CENTURY LINK	101315	COURT PORTION-OFFICE PHONE BILL	10/13/2015	100.00	100.00
Total 10-42-280 TELEPHONE:				100.00	100.00
10-42-310 PROFESSIONAL & TECHNICAL					
GARY R. HEWARD	112015	ATTORNEY SERVICE	11/01/2015	500.00	500.00
TECSERV, INC.	12308	MONTHLY NETWORK SERVICES-COURT	11/01/2015	105.26	105.26
UINTAH CITY	102015	SMALL CLAIMS-CASE #158000007	10/20/2015	60.00	60.00
Total 10-42-310 PROFESSIONAL & TECHNICAL:				665.26	665.26
10-43-230 TRAVEL					
ZION'S BANK-BANKCARD CENT	101615.2	SQ*IT LIMO CO LLC-TAXI TO SEATTLE AIRPORT	10/16/2015	56.35	56.35
ZION'S BANK-BANKCARD CENT	101615.2	SLC INTERNATIONAL AIRPORT-SLC AIRPORT PARKING	10/16/2015	54.00	54.00
ZION'S BANK-BANKCARD CENT	101615.2	HOMEWOOD SUITES-LODGING FOR ICMA SEATTLE (ME	10/16/2015	1,205.60	1,205.60

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid
Total 10-43-230 TRAVEL:				1,315.95	1,315.95
10-43-310 PROFESSIONAL & TECHNICAL					
TECSERV, INC.	12308	MONTHLY NETWORK SERVICES-ADMIN	11/01/2015	105.26	105.26
Total 10-43-310 PROFESSIONAL & TECHNICAL:				105.26	105.26
10-43-330 EDUCATION AND TRAINING					
ZION'S BANK-BANKCARD CENT	101615.2	UTAH LEAGUE OF CITIES- MELINDA'S LEAGUE CONF RE	10/16/2015	350.00	350.00
Total 10-43-330 EDUCATION AND TRAINING:				350.00	350.00
10-44-210 BOOKS/SUBSCRIPTIONS/MEMBERSHIP					
ZION'S BANK-BANKCARD CENT	101615.8	APT-USC-HEATHER'S ANNUAL MEMEBERSHIP	10/16/2015	145.00	145.00
Total 10-44-210 BOOKS/SUBSCRIPTIONS/MEMBERSHIP:				145.00	145.00
10-44-310 PROFESSIONAL & TECHNICAL					
TECSERV, INC.	12308	MONTHLY NETWORK SERVICES-	11/01/2015	52.63	52.63
Total 10-44-310 PROFESSIONAL & TECHNICAL:				52.63	52.63
10-47-310 PROFESSIONAL/TECHNICAL SERVICE					
TECSERV, INC.	12308	MONTHLY NETWORK SERVICES-RECOR	11/01/2015	52.63	52.63
Total 10-47-310 PROFESSIONAL/TECHNICAL SERVICE:				52.63	52.63
10-49-510 INSURANCE AND SURETY BONDS					
INTERMOUNTAIN HEALTHCAR	EAP-00734	EAP SERVICES-3RD QTR	10/22/2015	198.45	198.45
Total 10-49-510 INSURANCE AND SURETY BONDS:				198.45	198.45
10-50-260 BLDGS/GROUNDS -SUPPLIES/MAINT.					
CLAIRS PLUMBING	102715	CERT HOUSE/REPLACE BROKEN DRAIN LINE	10/27/2015	178.00	178.00
MODEL LINEN SUPPLY	0473401	MAT MAINTENANCE	10/27/2015	92.75	92.75
Total 10-50-260 BLDGS/GROUNDS -SUPPLIES/MAINT.:				270.75	270.75
10-50-270 UTILITIES					
ROCKY MOUNTAIN POWER	101915	544 W ELBERTA DR	10/19/2015	48.05	48.05
ROCKY MOUNTAIN POWER	101915	520 W ELBERTA DR	10/19/2015	532.38	532.38
Total 10-50-270 UTILITIES:				580.43	580.43
10-50-280 TELEPHONE					
CENTURY LINK	101315	CITY PORTION X2-OFFICE PHONE BILL	10/13/2015	417.41	417.41
CENTURY LINK	1354752881	DSL LINE	10/11/2015	18.23	18.23
Total 10-50-280 TELEPHONE:				435.64	435.64
10-51-250 EQUIP/SUPPLIES/MAINTENANCE					
ZION'S BANK-BANKCARD CENT	101615.13	OGDEN LAWN & GARDEN- PORTABLE COMPRESSOR	10/16/2015	50.36	50.36
ZION'S BANK-BANKCARD CENT	101615.13	LOWES-SHOWER LIGHTS	10/16/2015	9.98	9.98
ZION'S BANK-BANKCARD CENT	101615.13	FASTENAL-SHOP SUPPLIES1051250	10/16/2015	45.77	45.77
ZION'S BANK-BANKCARD CENT	101615.13	FASTENAL-SHOP SUPPLIES1051250	10/16/2015	12.18	12.18
ZION'S BANK-BANKCARD CENT	101615.13	FASTENAL-BIT FOR ROTORHAMMER	10/16/2015	22.47	22.47
ZION'S BANK-BANKCARD CENT	101615.13	LOWES-LIGHT BULBS/TENSION ROD/BATH RUG	10/16/2015	54.42	54.42

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid
Total 10-51-250 EQUIP/SUPPLIES/MAINTENANCE:				195.18	195.18
10-51-260 BLDG & GRND-SHOP IMPROVEMENTS					
ZION'S BANK-BANKCARD CENT	101615.13	CAL RANCH-HOSE KEEPERS FOR WASH BAY	10/16/2015	27.98	27.98
ZION'S BANK-BANKCARD CENT	101615.13	FASTENAL-BUILDING MAINTENANCE	10/16/2015	74.38	74.38
ZION'S BANK-BANKCARD CENT	101615.13	EVCO HOUSE OF HOSE-WASH BAY	10/16/2015	40.81	40.81
ZION'S BANK-BANKCARD CENT	101615.13	WHITEHEAD WHOLESALE-OUTSIDE LIGHTS NEW SHOP	10/16/2015	54.75	54.75
Total 10-51-260 BLDG & GRND-SHOP IMPROVEMENTS:				197.92	197.92
10-51-270 UTILITIES					
ROCKY MOUNTAIN POWER	101915	520 W ELBERTA DR	10/19/2015	497.64	497.64
ROCKY MOUNTAIN POWER	101915	530 W ELBERTA DR	10/19/2015	74.17	74.17
Total 10-51-270 UTILITIES:				571.81	571.81
10-53-210 BOOKS & SUBSCRIPTIONS & MEMBER					
ZION'S BANK-BANKCARD CENT	101615.6	AMERICAN PLNG ASS-MEMBERSHIP	10/16/2015	578.00	578.00
ZION'S BANK-BANKCARD CENT	101615.6	SOC FOR HUMAN RESRC MNGMNT MEMBERSHIP-VALE	10/16/2015	190.00	190.00
Total 10-53-210 BOOKS & SUBSCRIPTIONS & MEMBER:				768.00	768.00
10-53-240 OFFICE SUPPLIES AND EXPENSE					
ZION'S BANK-BANKCARD CENT	101615.6	USPS-POSTAGE	10/16/2015	3.94	3.94
Total 10-53-240 OFFICE SUPPLIES AND EXPENSE:				3.94	3.94
10-53-310 PROFESSIONAL/TECHINCAL SERVICE					
TECSERV, INC.	12308	MONTHLY NETWORK SERVICES-PLANN	11/01/2015	52.63	52.63
Total 10-53-310 PROFESSIONAL/TECHINCAL SERVICE:				52.63	52.63
10-54-230 TRAVEL					
ZION'S BANK-BANKCARD CENT	101615.14	BEST WESTERN-LODGING FOR BCI -KYLEY	10/16/2015	277.89	277.89
ZION'S BANK-BANKCARD CENT	101615.14	BEST WESTERN-LODGING FOR BCI -CHRISTINA	10/16/2015	277.89	277.89
ZION'S BANK-BANKCARD CENT	101615.14	COURTYARD BY MARRIOTT-LODGING FOR CHRISTINA	10/16/2015	477.44	477.44
Total 10-54-230 TRAVEL:				1,033.22	1,033.22
10-54-240 OFFICE SUPPLIES AND EXPENSE					
OFFICE DEPOT, INC.	801500651001	OFFICE SUPPLIES	10/22/2015	38.45	38.45
ZION'S BANK-BANKCARD CENT	101615.14	FTD.COM-GET WELL FLOWERS FOR MELINDA	10/16/2015	57.97	57.97
Total 10-54-240 OFFICE SUPPLIES AND EXPENSE:				96.42	96.42
10-54-250 SUPPLIES/MAINTENANCE					
ZION'S BANK-BANKCARD CENT	101615.14	RADIOSHACK-LAPTOP POWER/WARRANTY	10/16/2015	114.98	114.98
ZION'S BANK-BANKCARD CENT	101615.14	DICK'S SPORTING GOODS-WHS GUN SAFE	10/16/2015	224.99	224.99
ZION'S BANK-BANKCARD CENT	101615.14	STALKER RADAR-POWER CABLES	10/16/2015	58.95	58.95
ZION'S BANK-BANKCARD CENT	101615.14	HERRICK INDUSTRIAL-PD SUPPLIES	10/16/2015	13.00	13.00
Total 10-54-250 SUPPLIES/MAINTENANCE:				411.92	411.92
10-54-251 VEHICLE:FUEL					
TOM RANDALL DISTRIBUTING	0235763	FUEL - POLICE DEPT	10/26/2015	1,206.46	1,206.46

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid
Total 10-54-251 VEHICLE:FUEL:				1,206.46	1,206.46
10-54-252 VEHICLE: EQUIPMENT					
VEHICLE LIGHTING SOLUTION	60038	08 CHARGER-INSTALLATION LABOR FOR PD EQUIPMEN	11/02/2015	300.00	300.00
VEHICLE LIGHTING SOLUTION	60039	15 FORD P/U-PD EQUIP INSTALL/LABOR	11/02/2015	5,458.39	5,458.39
VEHICLE LIGHTING SOLUTION	60056	15 FORD P/U-PD EQUIP INSTALL/LABOR	11/03/2015	4,058.40	4,058.40
Total 10-54-252 VEHICLE: EQUIPMENT:				9,816.79	9,816.79
10-54-253 VEHICLE: MAINTENANCE					
WOODRUFF AUTO	64217	11 CHARGER-STRUT RODS/ALIGNMENT/A/C FUSE	10/23/2015	526.07	526.07
WOODRUFF AUTO	64242	11 CHARGER-OIL SERVICE/TROUBLESHOOT NOISES	10/26/2015	97.52	97.52
WOODRUFF AUTO	64323	08 CHARGER-OIL CHANGE/DIAGNOSTIC	10/30/2015	109.05	109.05
Total 10-54-253 VEHICLE: MAINTENANCE:				732.64	732.64
10-54-280 COMMUNICATION SERVICES					
CENTURY LINK	101315	PD PORTION OF OFFICE PHONE BILL	10/13/2015	100.00	100.00
Utah Communications Authority	56935	LOCAL GOV. RADIO SERVICE	09/30/2015	488.25	488.25
Total 10-54-280 COMMUNICATION SERVICES:				588.25	588.25
10-54-330 EDUCATION AND TRAINING					
TASER INTERNATIONAL	SI1416032	TARGETS/DATAPORT KIT	10/20/2015	231.01	231.01
ZION'S BANK-BANKCARD CENT	101615.14	PROFORCE LAW ENFORCEMENT-TASER SUPPLIES	10/16/2015	885.90	885.90
Total 10-54-330 EDUCATION AND TRAINING:				1,116.91	1,116.91
10-54-470 UNIFORMS					
A-1 UNIFORM	37271	NOVA OFFICER SHIRTS	11/03/2015	64.58	64.58
Total 10-54-470 UNIFORMS:				64.58	64.58
10-54-620 CONTRACTUAL SERVICES					
TECSERV, INC.	12308	MONTHLY NETWORK SERVICES-POLIC	11/01/2015	315.80	315.80
Total 10-54-620 CONTRACTUAL SERVICES:				315.80	315.80
10-59-250 EQUIPMENT-SUPPLIES & MAINTENANCE					
ZION'S BANK-BANKCARD CENT	101615.17	LEE'S MKTPLC-CERT SUPPLIES	10/16/2015	98.00	98.00
ZION'S BANK-BANKCARD CENT	101615.17	LOWES-CERT SUPPLIES	10/16/2015	55.39	55.39
ZION'S BANK-BANKCARD CENT	101615.17	THE HOME DEPOT-CERT SUPPLIES	10/16/2015	75.38	75.38
ZION'S BANK-BANKCARD CENT	101615.17	LOWES-CERT SUPPLIES	10/16/2015	2.96	2.96
ZION'S BANK-BANKCARD CENT	101615.17	LOWES-CERT CREDIT	10/16/2015	3.08-	3.08-
ZION'S BANK-BANKCARD CENT	101615.17	THE HOME DEPOT-CERT SUPPLIES	10/16/2015	22.41	22.41
Total 10-59-250 EQUIPMENT-SUPPLIES & MAINTENANCE:				251.06	251.06
10-60-250 EQUIP/SUPPLIES/MAINTENANCE					
ZION'S BANK-BANKCARD CENT	101615.3	LOWES-124-FL OZ HGTV SW OV EX S	10/16/2015	33.98	33.98
Total 10-60-250 EQUIP/SUPPLIES/MAINTENANCE:				33.98	33.98
10-60-251 VEHICLE:FUEL					
TOM RANDALL DISTRIBUTING	0235763	FUEL - PUBLIC WORKS DEPT	10/26/2015	350.26	350.26

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid
Total 10-60-251 VEHICLE:FUEL:				350.26	350.26
10-60-253 VEHICLE: MAINTENANCE					
ZION'S BANK-BANKCARD CENT	101615.13	WARNER TRUCK CENTER-SWEEPER PARTS	10/16/2015	136.02	136.02
ZION'S BANK-BANKCARD CENT	101615.3	OREILLY AUTO-WIPER BLADS FOR JAY'S TRUCK	10/16/2015	51.98	51.98
Total 10-60-253 VEHICLE: MAINTENANCE:				188.00	188.00
10-60-270 UTILITIES					
ROCKY MOUNTAIN POWER	101915	681 W ELBERTA DR	10/19/2015	17.36	17.36
Total 10-60-270 UTILITIES:				17.36	17.36
10-60-271 UTILITIES-SCHOOL XING					
ROCKY MOUNTAIN POWER	101915	3759 N 900 W	10/19/2015	11.33	11.33
ROCKY MOUNTAIN POWER	101915	3592 N 900 W	10/19/2015	11.33	11.33
Total 10-60-271 UTILITIES-SCHOOL XING:				22.66	22.66
10-60-310 PROFESSIONAL/TECHNICAL SERVICE					
IWORQ	7283	INTERNT SIGN MNGMNT/INTERNET PAVEMENT MNGMN	10/21/2015	1,000.00	1,000.00
TECSERV, INC.	12308	MONTHLY NETWORK SERVICES-STREE	11/01/2015	105.26	105.26
Total 10-60-310 PROFESSIONAL/TECHNICAL SERVICE:				1,105.26	1,105.26
10-60-470 STREET SUPPLIES/MATERIALS					
INTERSTATE BARRICADES	34174	30" POINTED ANCHOR	10/22/2015	306.25	306.25
ZION'S BANK-BANKCARD CENT	101615.13	SHERWIN WILLIAMS-PAINT	10/16/2015	118.22	118.22
ZION'S BANK-BANKCARD CENT	101615.3	FASTENAL-TRAFFIC MARKER YELLOW/WB WHITE 17 OZ	10/16/2015	11.00	11.00
ZION'S BANK-BANKCARD CENT	101615.8	LOWES-CONCRETE MIX FOR STREET SIGNS	10/16/2015	9.45	9.45
Total 10-60-470 STREET SUPPLIES/MATERIALS:				444.92	444.92
10-60-490 CLASS "C"ROAD EXPENDITURES					
STAKER & PARSON COMPANIE	3913752	FILL MATERIAL	10/13/2015	171.72	171.72
STAKER & PARSON COMPANIE	3914142	FILL MATERIAL	10/14/2015	146.95	146.95
Total 10-60-490 CLASS "C"ROAD EXPENDITURES:				318.67	318.67
10-70-250 EQUIP/SUPPLIES/MAINTENANCE					
OGDEN LAWN & GARDEN	093015	GATOR LINE	09/30/2015	109.12	109.12
RMT	T24818	SIDE ARM RH KIT	10/22/2015	598.73	598.73
ZION'S BANK-BANKCARD CENT	101615.13	SIX STATES-TRAILER LIGHTS	10/16/2015	31.56	31.56
ZION'S BANK-BANKCARD CENT	101615.9	SMITH & EDWARDS-RAIN COAT	10/16/2015	28.49	28.49
Total 10-70-250 EQUIP/SUPPLIES/MAINTENANCE:				767.90	767.90
10-70-251 VEHICLE:FUEL					
TOM RANDALL DISTRIBUTING	0235763	FUEL - PARKS	10/26/2015	175.13	175.13
Total 10-70-251 VEHICLE:FUEL:				175.13	175.13
10-70-260 BLDGS/GROUNDS-SUPPLIES & MAINT					
ZION'S BANK-BANKCARD CENT	101615.9	CAL RANCH-4-D ANMINE	10/16/2015	71.97	71.97
ZION'S BANK-BANKCARD CENT	101615.9	HOME DEPOT-WOOD PRESERVATIVE	10/16/2015	399.00	399.00
ZION'S BANK-BANKCARD CENT	101615.9	CAL RANCH-SPIRAL HOSE	10/16/2015	19.80	19.80
ZION'S BANK-BANKCARD CENT	101615.9	SOD BUSTER TURF-SOD	10/16/2015	150.00	150.00

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid
ZION'S BANK-BANKCARD CENT	101615.9	SOD BUSTER TURF-SOD	10/16/2015	32.00	32.00
ZION'S BANK-BANKCARD CENT	101615.9	SOD BUSTER TURF-SOD	10/16/2015	150.00	150.00
ZION'S BANK-BANKCARD CENT	101615.9	SOD BUSTER TURF-SOD	10/16/2015	150.00	150.00
ZION'S BANK-BANKCARD CENT	101615.9	SOD BUSTER TURF-SOD	10/16/2015	150.00	150.00
ZION'S BANK-BANKCARD CENT	101615.9	SOD BUSTER TURF-SOD	10/16/2015	84.00	84.00
ZION'S BANK-BANKCARD CENT	101615.9	BELL JANITORIAL-TOILET PAPER	10/16/2015	174.72	174.72
ZION'S BANK-BANKCARD CENT	101615.9	DURK'S PLMBNG-PVC CUTTER/MALE ADAPTER	10/16/2015	71.44	71.44
Total 10-70-260 BLDGS/GROUNDS-SUPPLIES & MAINT:				1,452.93	1,452.93
10-70-270 UTILITIES					
ROCKY MOUNTAIN POWER	101915	420 W 4300 N	10/19/2015	22.52	22.52
Total 10-70-270 UTILITIES:				22.52	22.52
10-71-230 TRAVEL					
TECSERV, INC.	12308	MONTHLY NETWORK SERVICES-RECRE	11/01/2015	105.27	105.27
ZION'S BANK-BANKCARD CENT	101615.16	SLC INTERNATIONAL AIRPORT-PARKING FOR ALLISON	10/16/2015	62.00	62.00
Total 10-71-230 TRAVEL:				167.27	167.27
10-71-250 EQUIP/SUPPLIES/MAINTENANCE					
ZION'S BANK-BANKCARD CENT	101615.16	DOLRTREE-RECREATION SUPPLIES	10/16/2015	10.00	10.00
ZION'S BANK-BANKCARD CENT	101615.16	USPS-RECREATION SUPPLIES	10/16/2015	1.42	1.42
ZION'S BANK-BANKCARD CENT	101615.16	ZION'S AMAZING DEALS-CREDIT	10/16/2015	2.50-	2.50-
Total 10-71-250 EQUIP/SUPPLIES/MAINTENANCE:				8.92	8.92
10-71-280 TELEPHONE					
ZION'S BANK-BANKCARD CENT	101615.6	SPRINT-RECREATION CELL PHONE	10/16/2015	68.43	68.43
Total 10-71-280 TELEPHONE:				68.43	68.43
40-46-730 IMPROVEMENTS - CONSTRUCTION					
ZION'S BANK-BANKCARD CENT	101615.6	WALMART-REFRESHMENTS FOR PICKLEBALL RIBBON C	10/16/2015	16.44	16.44
ZION'S BANK-BANKCARD CENT	101615.6	STRAW MARKET-REFRESHMENTS FOR WALKING PATH	10/16/2015	13.00	13.00
Total 40-46-730 IMPROVEMENTS - CONSTRUCTION:				29.44	29.44
40-46-740 CAPITAL OUTLAY - EQUIPMENT					
ZION'S BANK-BANKCARD CENT	101615.16	CUTLER'S LAYTON-PICKLEBALL RIBBON CUTTING REFR	10/16/2015	116.91	116.91
Total 40-46-740 CAPITAL OUTLAY - EQUIPMENT:				116.91	116.91
41-40-250 EQUIP/SUPPLIES/MAINTENANCE					
OLDCASTLE PRECAST, INC	210328579A	PIPE 12"X8" W/PRE-LUBE GSK KIT	09/18/2015	312.00	312.00
ZION'S BANK-BANKCARD CENT	101615.4	LOWES-HYDRAULIC WATER STO	10/16/2015	15.36	15.36
ZION'S BANK-BANKCARD CENT	101615.9	HOME DEPOT-CONCRETE MIX	10/16/2015	9.45	9.45
ZION'S BANK-BANKCARD CENT	101615.9	MOUNTAIN STATES-SPEEDCRETE	10/16/2015	117.14	117.14
Total 41-40-250 EQUIP/SUPPLIES/MAINTENANCE:				453.95	453.95
41-40-251 VEHICLE:FUEL					
TOM RANDALL DISTRIBUTING	0235763	FUEL - STORM WATER DEPT	10/26/2015	19.46	19.46
Total 41-40-251 VEHICLE:FUEL:				19.46	19.46

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid
41-40-253 VEHICLE: MAINTENANCE					
ZION'S BANK-BANKCARD CENT	101615.13	LARRY H MILLER-SPEAKER FOR #11 PICKUP	10/16/2015	7.75	7.75
Total 41-40-253 VEHICLE: MAINTENANCE:				7.75	7.75
43-40-740 CAPTIAL OUTLAY - EQUIPMENT					
ZION'S BANK-BANKCARD CENT	101615.8	CDW-G/SERVER MEMORY	10/16/2015	212.79	212.79
Total 43-40-740 CAPTIAL OUTLAY - EQUIPMENT:				212.79	212.79
45-46-310 PROFESSIONAL & TECHNICAL					
PROJECT ENGINEERING CONS	16174	SKYLINE DRIVE INVOICE	09/30/2015	25,469.73	25,469.73
Total 45-46-310 PROFESSIONAL & TECHNICAL:				25,469.73	25,469.73
51-40-250 EQUIP/SUPPLIES/MAINTENANCE					
DURK'S PLUMBING SUPPLY, IN	02092962	WATER DEPT. SUPPLIES	11/02/2015	18.10	18.10
DURK'S PLUMBING SUPPLY, IN	02092974	WATER DEPT. SUPPLIES	11/02/2015	28.79	28.79
HOFFMAN UTAH, INC	SL209243	LITTLE MO SPRING INSPECTION SERVICE	10/14/2015	400.00	400.00
HYDRO SPECIALTIES COMPAN	17907	WATER METERS	10/01/2015	1,903.16	1,903.16
HYDRO SPECIALTIES COMPAN	17908	CRD REPAIR KIT	10/01/2015	379.20	379.20
HYDRO SPECIALTIES COMPAN	17943	CV SPEED CONTROL/VPI FOR 12", 8" AND 6"	10/09/2015	937.60	937.60
INTERSTATE BARRICADES	114229	BARRICADE RENTALS	06/18/2015	203.20	203.20
JOHNSON ELECTRIC MOTOR I	5067	JESSIE CREEK WELL-ELECTRICAL WIRING WORK ON P	09/10/2015	12,674.01	12,674.01
KELLERSTRASS ENTERPRISES	746766	CHEV FM LUBE OIL 32/5 GAL	10/26/2015	237.15	237.15
NATIONAL BATTERY SALES	199545	LITTLE MISSOURI BATTERY	10/26/2015	256.70	256.70
NATIONAL BATTERY SALES	199607	DEEP CYCLE BATTERY	10/29/2015	83.13	83.13
VFC	I034636-IN	REPLACED POWER SUPPLY & SURGE ARRESTORS	09/30/2015	4,152.46	4,152.46
ZION'S BANK-BANKCARD CENT	101615.4	LOWES-HOSE HANGER MOUNT	10/16/2015	9.98	9.98
ZION'S BANK-BANKCARD CENT	101615.4	INTERMOUNTAIN OGDEN-WATER SEAL	10/16/2015	25.12	25.12
ZION'S BANK-BANKCARD CENT	101615.4	EVCO HOUSE OF HOSE-BRAKE TUBING/GLOVES	10/16/2015	110.69	110.69
ZION'S BANK-BANKCARD CENT	101615.4	FERGUSON ENTERPRISES-CREDIT	10/16/2015	366.02	366.02
ZION'S BANK-BANKCARD CENT	101615.4	FERGUSON ENTERPRISES-GATE VALVE/BLUE PIPE	10/16/2015	1,485.49	1,485.49
ZION'S BANK-BANKCARD CENT	101615.4	FERGUSON ENTERPRISES-WATER DEPT SUPPLIES	10/16/2015	2,005.23	2,005.23
Total 51-40-250 EQUIP/SUPPLIES/MAINTENANCE:				24,543.99	24,543.99
51-40-251 VEHICLE:FUEL					
TOM RANDALL DISTRIBUTING	0235763	FUEL - WATER DEPT	10/26/2015	155.67	155.67
Total 51-40-251 VEHICLE:FUEL:				155.67	155.67
51-40-270 UTILITIES					
QUESTAR GAS	10215	4890 BURNHAM DRIVE PUMP	10/02/2015	21.98	21.98
ROCKY MOUNTAIN POWER	101915	129 W 4600 N	10/19/2015	1,598.53	1,598.53
ROCKY MOUNTAIN POWER	101915	4909 N BURNHAM DR	10/19/2015	1,051.25	1,051.25
ROCKY MOUNTAIN POWER	101915	5181 N JESSE CREEK DR	10/19/2015	1,375.59	1,375.59
ROCKY MOUNTAIN POWER	101915	160 W 4655 N	10/19/2015	246.21	246.21
Total 51-40-270 UTILITIES:				4,293.56	4,293.56
51-40-280 TELEPHONE					
CENTURY LINK	101315	WATER PORTION X2-OFFICE PHONE LINE	10/13/2015	100.00	100.00
Total 51-40-280 TELEPHONE:				100.00	100.00
51-40-310 PROFESSIONAL/TECHINCAL SERVICE					
EARTH NET CONSULTING, LLC	523	CULINARY WATER ANALYSIS	10/15/2015	162.00	162.00

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid
TECSERV, INC.	12308	MONTHLY NETWORK SERVICES-WATER	11/01/2015	52.63	52.63
Total 51-40-310 PROFESSIONAL/TECHINICAL SERVICE:				214.63	214.63
51-40-610 MISCELLANEOUS SUPPLIES					
BLUE STAKES OF UTAH	UT201502752	BILLABLE FAX NOTIFICATIONS	10/31/2015	88.35	88.35
Total 51-40-610 MISCELLANEOUS SUPPLIES:				88.35	88.35
53-40-251 VEHICLE:FUEL					
TOM RANDALL DISTRIBUTING	0235763	FUEL - SEWER DEPT	10/26/2015	38.92	38.92
Total 53-40-251 VEHICLE:FUEL:				38.92	38.92
55-40-500 COLLECTION-GARBAGE					
ECONO WASTE	382142	MONTHLY GARBAGE SERVICES	10/05/2015	9,339.35	9,339.35
Total 55-40-500 COLLECTION-GARBAGE:				9,339.35	9,339.35
55-40-501 COLLECTION-RECYCLING					
ECONO WASTE	382142	RECYCLING	10/05/2015	6,180.00	6,180.00
Total 55-40-501 COLLECTION-RECYCLING:				6,180.00	6,180.00
55-40-510 DISPOSAL-LANDFILL					
WEBER COUNTY TRANSFER S	093015	LANDFILL FEES	09/30/2015	11,402.24	11,402.24
Total 55-40-510 DISPOSAL-LANDFILL:				11,402.24	11,402.24
Grand Totals:				111,024.98	111,024.98

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid
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Report Criteria:

Detail report.

Invoices with totals above \$0.00 included.

Only paid invoices included.



City Council

STAFF REPORT

AGENDA ITEM

/

TO: Honorable Mayor and City Council

FROM: Valerie Claussen, MPA, AICP
Assistant City Administrator
vclaussen@pleasantviewcity.com or (801) 827-0468

MEETING DATE: November 3, 2015

SUBJECT: Discussion and possible action on the approval of an ordinance adopting the 2700 North Community Development Project Area Plan.

RECOMMENDATION

Move to approve the ordinance adopting the 2700 North Community Development Project Area Plan, and authorize the Mayor's signature to any necessary documents.

BACKGROUND

The Pleasant View City Redevelopment Agency held their public hearing and adopted the plan by resolution, the Council adopts the plan by Ordinance.

ATTACHMENTS

A) 2700 North CDA Project Area Plan Ordinance

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE 2700 NORTH COMMUNITY DEVELOPMENT PROJECT AREA PLAN, AS APPROVED BY THE PLEASANT VIEW CITY REDEVELOPMENT AGENCY, AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE PROJECT AREA, AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE.

WHEREAS the Board of the Pleasant View City Redevelopment Agency (the "Agency"), having prepared a Project Area Plan (the "Plan") for the 2700 North Community Development Project Area (the "Project Area"), the legal description attached hereto as **EXHIBIT A**, pursuant to Utah Code Annotated ("UCA") § 17C-4-109, and having held the required public hearing on the Plan on October 20, 2015, pursuant to UCA § 17C-4-102, adopted the Plan as the Official Community Development Plan for the Project Area; and

WHEREAS the Utah Community Development and Renewal Agencies Act (the "Act") mandates that, before the community development project area plan approved by an agency under UCA § 17C-4-102 may take effect, it must be adopted by ordinance of the legislative body of the community that created the agency in accordance with UCA § 17C-4-105; and

WHEREAS the Act also requires that notice is to be given by the community legislative body upon its adoption of a community development project area plan under UCA § 17C-4-106.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLEASANT VIEW AS FOLLOWS:

1. The City of Pleasant View hereby adopts and designates the Project Area Plan, as approved by the Agency Board, as the official community development plan for the Project Area (the "Official Plan").
2. City staff and consultants are hereby authorized and directed to publish or cause to be published the notice required by UCA § 17C-4-106, whereupon the Official Plan shall become effective pursuant to UCA § 17C-4-106(2).
3. Pursuant to UCA § 17C-4-106(4), the Agency may proceed to carry out the Official Plan upon its adoption.
4. This ordinance shall take effect immediately.

APPROVED AND ADOPTED this 10th day of November, 2015.

Mayor

Attest:

City Recorder

Posted this ____ day of _____, 2015

This ordinance has been approved by the following vote of the Pleasant View City Council:

_____ Councilmember Boehme
_____ Councilmember Burns
_____ Councilmember Gibson
_____ Councilmember Humphreys
_____ Councilmember Pitman

2700 North CDA Legal Description

PLEASANT VIEW CITY LEGAL

A part of the Southwest Quarter of Section 25, T7N, R2W, Salt Lake Base & Meridian, Pleasant View City, Weber County, Utah. More particularly described as follows:

Beginning at a point on the west right-of-way line of the Union Pacific Railroad, said point being East along the North property line of Harbour Village LC =50% ETAL property 419.85 Feet from the Northwest corner of the Southwest Quarter of said Section 25 and running thence East 105.37 feet more or less to a point on the East Right of Way line of the Union Pacific Railroad, said point also being on the west line of Wasatch View Estates Subdivision; thence S 18°08'29" E along the west line of said Subdivision 537.06 feet to the northwest corner of Lot 1 in said Subdivision; thence along the north and east lines of said Lot 1 the following two (2) courses: (1) S 89°47'54" E 1,031.64 feet and (2)

S 0°42'24" W 100.00 feet to the southeast corner of said Lot 1; thence S 89°47'54" E along the south line of said Subdivision 215.61 feet to the southeast corner of lot 3 in said Subdivision; thence Southerly along the easterly line of the MHP #1 LLC properties the following two (2) courses: (1)

S 13°21'39" W 100 feet, and (2) S 0°32' W 1,806.19 feet more or less to the north line of 2700 North Street, said point being approximately 46 feet North of the south line of said Section 25; thence

S 89°18'48" W parallel to said section line 621.76 feet more or less to the west right-of-way line of said railroad, said point being on the east line of the RB McFarland Subdivision; thence N 18°36'00" W along the east line said Subdivision which is also the west line of said railroad 532.11 feet to the northeast corner of said subdivision; thence along the west right-of-way line of said railroad the following two (2) courses: (1) N 19°01' W 1,413.1 feet, and (2) N 18°18'44" W 721.83 feet, more or less to the point of beginning.

Contains: 45.78 acres±

FARR WEST CITY LEGAL DESCRIPTION

A part of the Southwest Quarter of Section 25 and the Southeast Quarter of Section 26, T7N, R2W, Salt Lake Base & Meridian, Farr West City, Weber County, Utah. More particularly described as follows:

Beginning at the NW corner of the Southwest quarter of said Section 25 and running thence East along the north property line of Harbour Village LC =50% ETAL property 419.85 Feet to a point on the west right-of-way line of the Union Pacific Railroad, said point also being the northeast corner of said Harbour Village property; Thence along the said west right-of-way line of the Union Pacific Railroad the following two (2) courses: (1) S 18°18'44" E 721.85 feet and (2) S 19°01' W 1,413.10 feet to the northeast corner of the RB McFarland Subdivision; thence S 18°36'00" E along the east line of Said RB McFarland Subdivision 209.85 feet more or less to the northeast corner of property being used as the Farr West Exxon, Wendy's Restaurant, and car Wash located within Lot 2 of said Subdivision; thence along the northerly line and west line of said property the following four (4) courses: (1) West 81.88 feet, (2) North 21.46 feet, (3) West 74.18 feet, and (4) South 188.14 feet more or less to the Northeast corner of Lot 1 of said McFarland Subdivision; thence S 89°18'48" W 133.00 feet to the east line of the Maverik

Family Travel Plaza Commercial Subdivision - Phase 1; thence N 0°41'12" W along said east line 46.00 feet more or less to the Northeast corner of said Subdivision; thence S 89°18'48" W along the north line of said Subdivision 382.93 feet to the Northwest corner of lot 2 in said Subdivision, said corner being a point on the east right-of-way line of 1850 West Street; thence along the west line of said Lot 2 the following three (3) courses: (1) Southeasterly along the arc of a non-tangent 210 foot radius curve to the right 27.63 feet (chord bears S 4°27'23" E 27.61 feet), (2) S 00°41'12" E 194.45 feet and (3) Southeasterly along the arc of a 18 foot radius curve to the left 28.27 feet (chord bears S 45° 41'12" E 25.46 feet) to a point on the north right-of way line of 2700 North Street; thence S 89°18'48" W along the said north right-of-way line 85.00 feet to a point of tangency on the south line of Lot 1 in said subdivision said point also being on the west line of 1850 West Street; thence along the east line of Lot 1 in said subdivision the following three (3) courses: (1) Northeasterly along the arc of a 7 foot radius curve to the left 11.00 feet (chord bears N 44°18'48" E 9.90 feet), (2) N 0°41'12" W 205.45 feet, and (3) Northwesterly along the arc of a 150 foot radius curve to the left 17.13 feet (chord bears N 3°57'29" W 17.12 feet) to the northeast corner of said Lot 1, said corner also being the southeast corner of Lot 4 in the Maverik Family Travel Plaza Commercial Subdivision - Phase 2; thence continuing along the west line of said 1850 West Street the following three (3) courses: (1) Northwesterly along the arc of a 150 foot radius curve to the left 170.22 feet (chord bears N 39°44'21" W 161.23 feet), (2) N 72°14'55" W 154.36 feet and (3) Northwesterly along the arc of a 184.40 foot radius curve to the right 86.25 feet (chord bears N 58°50'58" W 85.46 feet) to a point on the west line of said Subdivision, said point also being on the east line of the Interstate Highway I-15 right-of-way; thence along said right-of-way the following eight (8) courses: (1) N 06°25'20" W 122.43 feet to the Northwest corner of said Subdivision, (2) N 06°30' W 332.00 feet, more or less, (3) Northwesterly along the arc of a 5704.58 foot radius curve to the right 519.50 feet, more or less, (cord bears N 3°53'28" W 519.32 feet), (4) West 50.00 feet, (5) N 01°14' W 513.45 feet, (6) West 31.84 feet, (7) N 01°15'14" W 282.00 feet, (8) N 00°12' E 378.00 feet more or less to the north line of the Southeast Quarter of said Section 26; thence East 65.00 feet to the point of beginning.

Contains: 42.08 acres±

ORDINANCE NO. 2015-5

AN ORDINANCE ADOPTING THE 2700 NORTH COMMUNITY DEVELOPMENT PROJECT AREA PLAN, AS APPROVED BY THE PLEASANT VIEW CITY REDEVELOPMENT AGENCY, AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE PROJECT AREA, AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE.

WHEREAS the Board of the Pleasant View City Redevelopment Agency (the "Agency"), having prepared a Project Area Plan (the "Plan") for the 2700 North Community Development Project Area (the "Project Area"), the legal description attached hereto as **EXHIBIT A**, pursuant to Utah Code Annotated ("UCA") § 17C-4-109, and having held the required public hearing on the Plan on October 20, 2015, pursuant to UCA § 17C-4-102, adopted the Plan as the Official Community Development Plan for the Project Area; and

WHEREAS the Utah Community Development and Renewal Agencies Act (the "Act") mandates that, before the community development project area plan approved by an agency under UCA § 17C-4-102 may take effect, it must be adopted by ordinance of the legislative body of the community that created the agency in accordance with UCA § 17C-4-105; and

WHEREAS the Act also requires that notice is to be given by the community legislative body upon its adoption of a community development project area plan under UCA § 17C-4-106.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLEASANT VIEW AS FOLLOWS:

1. The City of Pleasant View hereby adopts and designates the Project Area Plan, as approved by the Agency Board, as the official community development plan for the Project Area (the "Official Plan").
2. City staff and consultants are hereby authorized and directed to publish or cause to be published the notice required by UCA § 17C-4-106, whereupon the Official Plan shall become effective pursuant to UCA § 17C-4-106(2).
3. Pursuant to UCA § 17C-4-106(4), the Agency may proceed to carry out the Official Plan upon its adoption.
4. This ordinance shall take effect immediately.

APPROVED AND ADOPTED this 10th day of November, 2015.

Mayor

Attest:

City Recorder

Posted this ____ day of _____, 2015

This ordinance has been approved by the following vote of the Pleasant View City Council:

_____ Councilmember Boehme
_____ Councilmember Burns
_____ Councilmember Gibson
_____ Councilmember Humphreys
_____ Councilmember Pitman

2700 North CDA Legal Description

PLEASANT VIEW CITY LEGAL

A part of the Southwest Quarter of Section 25, T7N, R2W, Salt Lake Base & Meridian, Pleasant View City, Weber County, Utah. More particularly described as follows:

Beginning at a point on the west right-of-way line of the Union Pacific Railroad, said point being East along the North property line of Harbour Village LC =50% ETAL property 419.85 Feet from the Northwest corner of the Southwest Quarter of said Section 25 and running thence East 105.37 feet more or less to a point on the East Right of Way line of the Union Pacific Railroad, said point also being on the west line of Wasatch View Estates Subdivision; thence S 18°08'29" E along the west line of said Subdivision 537.06 feet to the northwest corner of Lot 1 in said Subdivision; thence along the north and east lines of said Lot 1 the following two (2) courses: (1) S 89°47'54" E 1,031.64 feet and (2)

S 0°42'24" W 100.00 feet to the southeast corner of said Lot 1; thence S 89°47'54" E along the south line of said Subdivision 215.61 feet to the southeast corner of lot 3 in said Subdivision; thence Southerly along the easterly line of the MHP #1 LLC properties the following two (2) courses: (1)

S 13°21'39" W 100 feet, and (2) S 0°32' W 1,806.19 feet more or less to the north line of 2700 North Street, said point being approximately 46 feet North of the south line of said Section 25; thence

S 89°18'48" W parallel to said section line 621.76 feet more or less to the west right-of-way line of said railroad, said point being on the east line of the RB McFarland Subdivision; thence N 18°36'00" W along the east line said Subdivision which is also the west line of said railroad 532.11 feet to the northeast corner of said subdivision; thence along the west right-of-way line of said railroad the following two (2) courses: (1) N 19°01' W 1,413.1 feet, and (2) N 18°18'44" W 721.83 feet, more or less to the point of beginning.

Contains: 45.78 acres±

FARR WEST CITY LEGAL DESCRIPTION

A part of the Southwest Quarter of Section 25 and the Southeast Quarter of Section 26, T7N, R2W, Salt Lake Base & Meridian, Farr West City, Weber County, Utah. More particularly described as follows:

Beginning at the NW corner of the Southwest quarter of said Section 25 and running thence East along the north property line of Harbour Village LC =50% ETAL property 419.85 Feet to a point on the west right-of-way line of the Union Pacific Railroad, said point also being the northeast corner of said Harbour Village property; Thence along the said west right-of-way line of the Union Pacific Railroad the following two (2) courses: (1) S 18°18'44" E 721.85 feet and (2) S 19°01' W 1,413.10 feet to the northeast corner of the RB McFarland Subdivision; thence S 18°36'00" E along the east line of Said RB McFarland Subdivision 209.85 feet more or less to the northeast corner of property being used as the Farr West Exxon, Wendy's Restaurant, and car Wash located within Lot 2 of said Subdivision; thence along the northerly line and west line of said property the following four (4) courses: (1) West 81.88 feet, (2) North 21.46 feet, (3) West 74.18 feet, and (4) South 188.14 feet more or less to the Northeast corner of Lot 1 of said McFarland Subdivision; thence S 89°18'48" W 133.00 feet to the east line of the Maverik

Family Travel Plaza Commercial Subdivision - Phase 1; thence N 0°41'12" W along said east line 46.00 feet more or less to the Northeast corner of said Subdivision; thence S 89°18'48" W along the north line of said Subdivision 382.93 feet to the Northwest corner of lot 2 in said Subdivision, said corner being a point on the east right-of-way line of 1850 West Street; thence along the west line of said Lot 2 the following three (3) courses: (1) Southeasterly along the arc of a non-tangent 210 foot radius curve to the right 27.63 feet (chord bears S 4°27'23" E 27.61 feet), (2) S 00°41'12" E 194.45 feet and (3) Southeasterly along the arc of a 18 foot radius curve to the left 28.27 feet (chord bears S 45° 41'12" E 25.46 feet) to a point on the north right-of way line of 2700 North Street; thence S 89°18'48" W along the said north right-of-way line 85.00 feet to a point of tangency on the south line of Lot 1 in said subdivision said point also being on the west line of 1850 West Street; thence along the east line of Lot 1 in said subdivision the following three (3) courses: (1) Northeasterly along the arc of a 7 foot radius curve to the left 11.00 feet (chord bears N 44°18'48" E 9.90 feet), (2) N 0°41'12" W 205.45 feet, and (3) Northwesterly along the arc of a 150 foot radius curve to the left 17.13 feet (chord bears N 3°57'29" W 17.12 feet) to the northeast corner of said Lot 1, said corner also being the southeast corner of Lot 4 in the Maverik Family Travel Plaza Commercial Subdivision - Phase 2; thence continuing along the west line of said 1850 West Street the following three (3) courses: (1) Northwesterly along the arc of a 150 foot radius curve to the left 170.22 feet (chord bears N 39°44'21" W 161.23 feet), (2) N 72°14'55" W 154.36 feet and (3) Northwesterly along the arc of a 184.40 foot radius curve to the right 86.25 feet (chord bears N 58°50'58" W 85.46 feet) to a point on the west line of said Subdivision, said point also being on the east line of the Interstate Highway I-15 right-of-way; thence along said right-of-way the following eight (8) courses: (1) N 06°25'20" W 122.43 feet to the Northwest corner of said Subdivision, (2) N 06°30' W 332.00 feet, more or less, (3) Northwesterly along the arc of a 5704.58 foot radius curve to the right 519.50 feet, more or less, (cord bears N 3°53'28" W 519.32 feet), (4) West 50.00 feet, (5) N 01°14' W 513.45 feet, (6) West 31.84 feet, (7) N 01°15'14" W 282.00 feet, (8) N 00°12' E 378.00 feet more or less to the north line of the Southeast Quarter of said Section 26; thence East 65.00 feet to the point of beginning.

Contains: 42.08 acres±

2700 NORTH COMMUNITY DEVELOPMENT DRAFT PROJECT AREA PLAN

Pleasant View/Farr West Redevelopment Agency

OCTOBER 2015

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SECTION 1: INTRODUCTION

The Pleasant View Community Development and Renewal Agency and the Farr West Community Development and Renewal Agency, Utah (collectively the "Agencies"), following thorough consideration of the needs and desires of Pleasant View City and Farr West City (collectively the "Cities") and their residents, as well as the Cities' capacity for new development, have carefully crafted this Project Area Plan (the "Plan") for the Joint 2700 North Community Development Project Area (the "Project Area"). This Plan is the end result of a comprehensive evaluation of the types of appropriate land-uses and economic development for the land encompassed by the Project Area which lies east of Interstate 15, north of 2700 North, and runs along both sides of the Union Pacific Railroad track. The Plan is envisioned to define the methods and means of development for the Project Area from its current state, to a higher and better use. The Cities have determined that it is in the best interest of their residents to assist in the development of the Project Area. It is the purpose of this Plan to clearly set forth the aims and objectives of this development, its scope, its mechanism, and its value to the residents of the Cities and other taxing districts.

The Project is being undertaken as a community development project pursuant to certain provisions of Chapters 1 and 4 of the Utah Limited Purpose Local Government Entities - Community Development and Renewal Agencies Act (the "Act", Utah Code Annotated ("UCA") Title 17C). The requirements of the Act, including notice and hearing obligations, have been scrupulously observed at all times throughout the establishment of the Project Area.

SECTION 2: DEFINITIONS

As used in this plan

- 2.1 "Act" means Title 17C of the Utah Code Annotated ("UCA") 1953, as amended: the Utah Limited Purpose Local Government Entities - Community Development and Renewal Agencies Act, as amended, or such successor law or act as may from time to time be enacted.
- 2.2 "Agencies" means the Pleasant View Community Development and Renewal Agency and the Farr West Community Development and Renewal Agency, created and operating pursuant to UCA 17C-1-201 and its predecessor or successor statutes, as designated by Pleasant View City and Farr West City to act as redevelopment agencies.
- 2.3 "Agencies Board" or "Boards" means the governing body of the Pleasant View Community Development and Renewal Agency and the governing body of the Farr West Community Development and Renewal Agency.
- 2.4 "Base Taxable Value" has the same meaning that it bears in the Act (UCA 17C-1-102(6)). "Base Taxable Value" is synonymous with "Base Year Taxable Value", "Base Year Value", and "Base Value".

- 2.5 "Base Tax Amount" means a sum equal to the tax revenue arising from the Project Area during the Base Year, which is calculated as the product of the Base Taxable Value and the certified tax rate in effect during the Base Year.
- 2.6 "Base Year" means the Tax Year during which the Project Area Budget is approved pursuant to UCA 17C-1-102 (6) (a).
- 2.7 "Bond" means any bonds, notes, interim certificates, or other obligations issued by an agency.
- 2.8 "Cities" mean Pleasant View City and Farr West City, political subdivisions of the State of Utah.
- 2.9 "County" means Weber County, a political subdivision of the State of Utah.
- 2.10 "Comprehensive General Plan" or "General Plan" means the general plan adopted by the Cities under the provisions of UCA 10-9a-401
- 2.11 "Community Development" means development activities within a community, including the encouragement, promotion, or provision of development.
- 2.12 "Community Development Plan" means a project area plan, as defined by UCA 17C-4-103 of the Act, designed to foster community development, as defined in UCA 17C-1-102 (16) of the Act, developed by the Agency and adopted by ordinance of the governing body of the City, to guide and control community development undertakings in a specific project area.
- 2.13 "Governing Body" means (a) in reference to the Pleasant View Community Development and Renewal Agency, the Board of the Pleasant View Community Development and Renewal Agency, in reference to the Farr West Community Development and Renewal Agency, the Board of the Farr West Community Development and Renewal Agency or, (b) if used in reference to Pleasant View City, the City Council of Pleasant View City, in reference to Farr West City, the City Council of Farr West City.
- 2.14 "Project Area" means the Joint 2700 North Community Development Project Area, as selected by resolution of the Agencies.
- 2.15 "Property Taxes" includes all levies on an ad valorem basis upon land, real property, personal property, or any other property, tangible or intangible.
- 2.16 "Taxing Entities" means the public entities, including the state, county, city, school district, special district, or other public body, which levy property taxes on any parcel or parcels of property located within the Joint Project Area.
- 2.17 "Tax Increment" means that portion of the levied taxes each year in excess of the base tax amount, which excess amount is paid into a special fund of the Agency, pursuant to UCA 17C-1-102(44)(a) and Part 4 of UCA Chapter 17C-1, as amended.
- 2.18 "Tax Year" means the 12 month period between sequential tax role equalizations (November 1st through October 31st) of the following year, e.g., the Nov. 1, 2015- Oct. 31, 2016 tax year).

SECTION 3: DESCRIPTION OF COMMUNITY DEVELOPMENT PROJECT AREA

The Project Area lies entirely within the boundaries of the Cities and is located east of Interstate 15, north of 2700 North, and runs along both sides of the Union Pacific Railroad track. This area in particular, receives significant vehicle traffic on a daily basis which creates both opportunity and increased service demand. The property encompasses approximately 87.86 acres of land, as delineated in the office of the Weber County Recorder.

The Joint Project Area encompasses all of the parcels outlined and attached hereto in APPENDIX A.

A map and legal description of the Project Area are attached hereto in APPENDIX B.

SECTION 4: PROJECT AREA CHARACTERISTICS AND HOW THEY WILL BE AFFECTED BY COMMUNITY DEVELOPMENT

LAND USES IN THE PROJECT AREA

The Project Area currently consists primarily of vacant underutilized land. The Project Area is designated for Commercial land use. This Plan is consistent with the General Plans of the Cities and promotes economic activity by virtue of the land uses contemplated.

Any zoning change, amendment or conditional use permit necessary to the successful development contemplated by this Plan shall be undertaken in accordance with the requirements of the revised Ordinances of the Cities, and all other applicable laws including all goals and objectives in the Cities' General Plans.

LAYOUT OF PRINCIPAL STREETS IN THE PROJECT AREA

The layout of principle streets within the Project Area are outlined in APPENDIX B - MAP, AND LEGAL DESCRIPTION.

POPULATION IN THE PROJECT AREA

The Project Area was laid out in order to create the least amount of disruption to existing residential structures. Currently there is a trailer park within the Project Area, which contains approximately 118 trailers. The units are, for the most part, leased. The residential use is "grandfathered" under the current zoning for this property, and the residential use will phase out over time.

BUILDING INTENSITIES IN THE PROJECT AREA

Any new development within the Project Area will be required to meet all current or amended zoning requirements and design or development standards.

SECTION 5: STANDARDS THAT WILL GUIDE COMMUNITY DEVELOPMENT

DEVELOPMENT OBJECTIVES

The Agencies and Cities desire to maintain a high-quality development as a commercial focal point to the Cities. The Agencies and Cities want to guide development in order to ensure development standards blend harmoniously with the character of the Cities.

DESIGN OBJECTIVES

Development within the Project Area will be held to the highest quality design and construction standards, subject to (1) appropriate elements of the Cities' General Plans; (2) the 2700 North Specific Area Plan; (3) the planning and zoning ordinances of the Cities; (4) other applicable building codes and ordinances of the Cities; (5) and Agencies review to ensure consistency with this Plan.

All development will be accompanied by site plans, development data, and other appropriate material clearly describing the development, including land coverage, setbacks, heights, off-street parking to be provided, and any other data determined to be necessary, or requested by, the Cities or the Agencies.

All development shall provide an attractive environment, blend harmoniously with the adjoining areas, and provide for the optimum amount of open space and well-landscaped area in relation to the new buildings. In addition, it shall maintain maximum availability of off-street parking, and comply with the provisions of this Plan.

APPROVALS

The Agencies may have the right to approve the design and construction documents of any development within the Project Area to ensure that any development within the Project Area is consistent with this Project Area Plan.

SECTION 6: HOW THE PURPOSES OF THE STATE LAW WOULD BE ATTAINED BY COMMUNITY DEVELOPMENT

It is the intent of the Agencies, with possible assistance from the Cities and in participation with potential developers and property owners, to accomplish this Project Area Plan, which will include development contemplated in this Project Area Plan. This will include the construction of public infrastructure, and the appropriate use of incentives permitted under the Act, to maximize this development as beneficial to the citizens of the Cities and the surrounding communities. This will strengthen the community's tax base through the provision of necessary goods and services demanded within the community and in furtherance of the objectives set forth in this Plan.

SECTION 7: HOW THE PLAN IS CONSISTENT WITH THE COMMUNITY'S GENERAL PLAN

This Plan and the development contemplated thereby shall conform to the Cities' General Plans and land use regulations.

SECTION 8: DESCRIPTION OF THE SPECIFIC PROJECTS THAT ARE THE OBJECT OF THE PROPOSED COMMUNITY DEVELOPMENT

There are currently no specific projects proposed within the Project Area. The objectives of the Agencies include pursuing development of vacant parcels of property within the Project Area, land assemblage and installation and upgrade of public utilities in the Project Area, which will result in an economic increase to the Agencies and Cities.

SECTION 9:WAYS IN WHICH PRIVATE DEVELOPERS WILL BE SELECTED TO UNDERTAKE THE COMMUNITY DEVELOPMENT

The Cities and Agencies will select or approve such development, as solicited or presented to the Agencies and Cities, that meets the development objectives set forth in this Plan. The Cities and Agencies retain the right to approve or reject any such development plan(s) that, in their judgment, do not meet the development intent for the Project Area. The Cities and Agencies may choose to solicit development through an RFP or RFQ process, through targeted solicitation to specific industries, from inquiries to the Cities, EDC Utah, and/or from other such references and referrals.

The Cities and Agencies will ensure that all development conforms to this plan and is approved by the Cities. All potential developers will need to provide a thorough development plan including sufficient financial information to provide the Cities and Agencies with confidence in the sustainability of the development and the developer. Such a review may include a series of studies and reviews including reviews of the Developers financial statements, third-party verification of benefit of the development to the Cities, appraisal reports, etc.

Any participation between the Agencies and developers and property owners shall be by an approved agreement.

SECTION 10: REASONS FOR THE SELECTION OF THE PROJECT AREA

The 2700 North Project Area was selected by the Agencies as an area within the Cities that presents an opportunity to strengthen the economic base of the Cities, and fulfill a public need through the investment of private capital. Boundaries of the Project Area were determined by the Agencies after a review of a study area by members of the Cities' economic development committee, staff, and consultant.

SECTION 11: DESCRIPTIONS OF THE PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS EXISTING IN THE AREA

The Project Area consists of approximately 87.86 acres of property as shown in the Project Area Map. The Project Area suffers from a lack of social connectivity and vitality. There are currently no parks, libraries, or other social gathering places in the Project Area. The Agency wants to encourage upgrade and improvements as applicable to the existing economic base of the City, to increase the social and economic conditions within the Project Area.

SECTION 12: DESCRIPTIONS OF SOME INCENTIVES OFFERED TO PRIVATE ENTITIES FOR FACILITIES LOCATED IN THE PROJECT AREA

The following describes incentives which the Agencies intend to offer within the Project Area to developers, participants, and property owners as incentives to improve and develop property within the Project Area:

1. The Agencies intends to use the tax increment approved by agreement with the Taxing Entities for public infrastructure improvements, land purchase, building renovation or upgrades, certain offsite improvements, and other improvements as approved by the Agencies.
2. Payments made to a developer/participant pursuant to agreements between the developer/participant and the Agencies.
3. Expenditures approved and outlined in the adopted Project Area Budget.

Except where the Agencies issue Bonds or otherwise borrows or receives funds, the Agencies expect to pay the Cities, developers, or participants for the agreed amounts, in the agreed upon time frame to the extent the tax increment funds are received and available.

SECTION 13: PLAN RESTRICTIONS

13.1 Eminent Domain

This Community Development Project Area Plan does not allow the Agencies to acquire real property through the use of eminent domain.

13.2 Tax Increment

Use of tax increment is subject to approval of the Agencies' Project Area Budget through an interlocal agreement with any Taxing Entity that levies a certified tax rate within the Project Area. The use of tax increment is essential in meeting the objectives of this Plan.

SECTION 14: TECHNIQUES TO ACHIEVE THE PURPOSES OF THE COMMUNITY DEVELOPMENT AND RENEWAL ACT, AND THIS PLAN.

The Agencies will meet the purpose of the Community Development and Renewal Act, and this plan by implementing the following objectives:

14.1 Acquisition of Real Property

The Agencies may acquire, but are not required to acquire, real property located in the Project Area, by gift, devise, exchange, purchase, or any other lawful method. The Agencies are authorized to acquire any other interest in real property less than fee title such as leasehold interests, easements, and rights of way. The Agencies shall not acquire real property without the consent of the owner.

14.2 Acquisition of Personal Property

Generally personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agencies are authorized to acquire personal property in the Project Area by any lawful means.

14.3 Cooperation with the Community and Public Bodies

The community and certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, operation or implementation of this Project. The Agencies shall seek the aid and cooperation of such public bodies in order to accomplish the purposes of Community Development and the highest public good, including approval of the Project Area Budget, and participation in the funding of the Project Area by an interlocal agreement.

14.4 Property Management

During such time that property, if any, in the Project Area is owned by the Agencies, such property shall be under the management and control of the Agencies. Such property may be rented or leased by the Agencies pending its disposition for economic development purposes.

14.5 Property Disposition and Development

The Agencies are authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Community Development Plan. The Agencies are authorized to install and construct, or to cause to be installed and constructed, public improvements, public facilities, and public utilities, within and without the Project Area, not prohibited by law, which are necessary to carry out this Community Development Plan; and in accordance with the terms and conditions of any existing agreements with the private developers and the approved Project Area Budget and interlocal agreements. The Agencies are authorized to prepare or to cause to be prepared as building sites, any real property in the Project Area. The Agencies are also authorized to rehabilitate or to cause to be rehabilitated, any building or structures that may remain in the Project Area.

For the purposes of this Plan, the Agencies are authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed, trust, or otherwise dispose of any interest in real property. The Agencies are authorized to dispose of real property by, leases or sales, by negotiation with or without public bidding. All real property acquired by the Agencies in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in the Plan. Real property may be conveyed by the Agencies to the Cities or any other public body without charge. The Agencies shall reserve such controls in the disposition and development documents as may be necessary to prevent transfer, retention or use of property for speculative purposes and to ensure that the development is carried out pursuant to this Community Development Plan. All purchasers or lessees of property shall be made obligated to use the property for the purposes designated in this Community Development Plan, to begin and complete development of property within a period of time, which the Agencies fix as reasonable, and to comply with other conditions which the Agencies deem necessary to carry out the purposes of this Plan.

14.6 Development

The objectives of the Plan are to be accomplished through the Agencies encouragement of, and assistance to, private enterprise in carrying out community development activities. To provide adequate safeguards to ensure that the provisions of this Plan will be carried out, any real property sold, leased or conveyed by the Agencies, as well as any property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the Cities' Ordinances, conditional use permits, or other means. Where appropriate, as determined by the Agencies, such documents or portions thereof shall be recorded in the Office of the County Recorder. The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan.

To the extent now or hereafter permitted by law, the Agencies are authorized to pay for, develop, or construct any building, facility, structure, or other improvement either within or without the Project Area for themselves or any public body or public entity to the extent that such improvement would be a benefit to the Project Area. During the period of development in the Project Area, the Agencies shall ensure that the provisions of this Plan, and of other documents formulated by the Agencies pursuant to this Plan, are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules. Plans for development by owners or developers, both public and private, may be submitted to the Cities for approval and architectural review. All economic development must conform to this Plan and all applicable federal, state, and local laws.

SECTION 15: PROPOSED METHOD OF FINANCING

15.1 Authorization

The Agencies are authorized to finance this project with financial assistance from the Taxing Entities, property tax increments which accrue within the Project Area, interest income, Agencies bonds, or any other available source of revenue.

15.2 Tax Increment

Briefly stated, the tax increment that will be available under this Plan are determined in the following manner. After this Plan is adopted, the total taxable value of property within the Project Area is determined using the taxable values shown on the last equalized assessment roll prior to the adoption of the Plan. For purposes of this Plan, the base year value last equalized shall be January 1, 2015. This provides a base figure. To the extent the taxable values of property within the Project Area increase above this base figure, application of prevailing tax rates to the increased property value above the base figure yields "tax increments." These tax increments arise only with respect to property located in the Project Area. Other Taxing Entities continue to be entitled to receive the tax revenue that result from application of prevailing tax rates up to the base figure of taxable property value. In accordance with law, the Agencies will prepare a Project Budget outlining the expense and revenue for this Project. Once adopted by the Agencies, the Agencies will be required to obtain the consent by an interlocal agreement with each Taxing Entity allowing the Agencies to take any portion of the available tax increment.

15.3 Collection Period

The applicable length of time, or number of years for which the Agencies are to be paid tax increment shall be subject to the approved inter-local agreement.

Pursuant to the Community Development and Renewal Act, taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of Utah ,and the Taxing Entities after the effective date of the ordinance approving this Plan, shall be paid to the Agency in accordance with the terms and conditions of the approved inter-local agreement.

15.4 Cities Funding or Loans

Operating capital for administration and developer participation in the Project has been, and may be, provided by the Cities until adequate tax increments or other funds are available, or sufficiently assured to repay the loans and/or to permit borrowing adequate working capital from sources other than the Cities. Advances and loans from the Cities or the Agencies may bear a reasonable rate of interest.

SECTION 16: PROVISIONS FOR AMENDING THE COMMUNITY DEVELOPMENT PLAN

This Plan may be amended, or modified, any time by the , by means of the procedures established in the act, its successor statutes, or any other procedure established by law.

SECTION 17: NECESSARY AND APPROPRIATE ANALYSIS

Authority to take action or enter into agreements under this Plan shall be vested exclusively in the Agencies' Governing Board. The Agencies' Governing Board shall be authorized to delegate this authority pursuant to resolutions approved by the Board. The administration and enforcement of this Plan, and any documents implementing this Plan, shall be performed by the Agencies and/or Cities.

The provisions of this Plan, or other documents entered into pursuant to this Plan, may also be enforced by litigation by either the Agencies or the Cities. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, agreements or any recorded provisions which are expressly for the benefit of owners of property in the project Area may be enforced by such owners.

The particulars of any contemplated development will be set out in a participation agreement between the Agency and the participant requesting assistance.

Before any future development agreement or participation agreement under the Plan may be entered into and/or executed by the Agencies, the Agencies may hold a public hearing on the proposed agreement. The Agencies may prepare, or require the developer/participant to prepare a feasibility analysis, and a necessary and appropriate analysis with respect to all new projects being proposed, and with respect to the ongoing feasibility of the overall Project being implemented pursuant to this Plan. The purpose of this provision is to assure that the feasibility, necessity, appropriateness, the nature, extent of, and need for any public subsidy

or other assistance, and the likely public benefit of new projects is reviewed on their own merits and in the context of implementing this Plan as a whole before any particular projects are approved, thereby assuring that substantial and effective measures are being taken, or have been taken, that are reasonably designed to mitigate any harm, damage, or disadvantage as may be suffered as a result of development within the Project Area by owners of property, or tenants within the Project Area.

APPENDIX A: PROPERTY OWNERS

Taxable Property	
Parcel ID	Owner
190160058	HARBOUR VILLAGE LC 50% ETAL
190160091	HARBOUR VILLAGE LC 1/2 ETAL
190160059	HARBOUR VILLAGE LC 1/2 ETAL
190160061	BACT LIMITED PARTNERSHIP (THE)
190160026	MHP #1 LLC
190160101	PARCHER, GILBERT J & WF KRIS ANN SHERMAN
190160100	PARCHER, GILBERT J & WF KRIS ANN SHERMAN
190160106	BACT LIMITED PARTNERSHIP (THE)
190160074	MHP #1 LLC
190160103	HARBOUR VILLAGE L C 1/2 ETAL
191250001	MHP #1 LLC
190160087	MHP #1 LLC
190160094	BACT LIMITED PARTNERSHIP (THE)
190160090	PARCHER, GILBERT J & WF KRIS ANN SHERMAN
191090003	WALLCO L C
190160062	BACT LIMITED PARTNERSHIP (THE)
191090002	MURRAY FAMILY HOLDINGS LLC
191070002	GOLDEN ARCH LIMITED PARTNERSHIP
191070003	FAIRMONT BOWL INC
191460002	RICHARD L MILLER PROERPTIES LLC
191460001	MCFARLAND, ROBERT B & RENAE W MCFARLAND TRUSTEES

APPENDIX B: MAP AND LEGAL DESCRIPTION

PLEASANT VIEW CITY LEGAL

A part of the Southwest Quarter of Section 25, T7N, R2W, Salt Lake Base & Meridian, Pleasant View City, Weber County, Utah. More particularly described as follows:

Beginning at a point on the west right-of-way line of the Union Pacific Railroad, said point being East along the North property line of Harbour Village LC =50% ETAL property 419.85 Feet from the Northwest corner of the Southwest Quarter of said Section 25 and running thence East 105.37 feet more or less to a point on the East Right of Way line of the Union Pacific Railroad, said point also being on the west line of Wasatch View Estates Subdivision; thence S 18°08'29" E along the west line of said Subdivision 537.06 feet to the northwest corner of Lot 1 in said Subdivision; thence along the north and east lines of said Lot 1 the following two (2) courses: (1) S 89°47'54" E 1,031.64 feet and (2)

S 0°42'24" W 100.00 feet to the southeast corner of said Lot 1; thence S 89°47'54" E along the south line of said Subdivision 215.61 feet to the southeast corner of lot 3 in said Subdivision; thence Southerly along the easterly line of the MHP #1 LLC properties the following two (2) courses: (1)

S 13°21'39" W 100 feet, and (2) S 0°32' W 1,806.19 feet more or less to the north line of 2700 North Street, said point being approximately 46 feet North of the south line of said Section 25; thence

S 89°18'48" W parallel to said section line 621.76 feet more or less to the west right-of-way line of said railroad, said point being on the east line of the RB McFarland Subdivision; thence N 18°36'00" W along the east line said Subdivision which is also the west line of said railroad 532.11 feet to the northeast corner of said subdivision; thence along the west right-of-way line of said railroad the following two (2) courses: (1) N 19°01' W 1,413.1 feet, and (2) N 18°18'44" W 721.83 feet, more or less to the point of beginning.

Contains: 45.78 acres±

FARR WEST CITY LEGAL DESCRIPTION

A part of the Southwest Quarter of Section 25 and the Southeast Quarter of Section 26, T7N, R2W, Salt Lake Base & Meridian, Farr West City, Weber County, Utah. More particularly described as follows:

Beginning at the NW corner of the Southwest quarter of said Section 25 and running thence East along the north property line of Harbour Village LC =50% ETAL property 419.85 Feet to a point on the west right-of-way line of the Union Pacific Railroad, said point also being the northeast corner of said Harbour Village property; Thence along the said west right-of-way line of the Union Pacific Railroad the following two (2) courses: (1) S 18°18'44" E 721.85 feet and (2) S 19°01' W 1,413.10 feet to the northeast corner of the RB McFarland Subdivision; thence S 18°36'00" E along the east line of Said RB McFarland Subdivision 209.85 feet more or less to the northeast corner of property being used as the Farr West Exxon, Wendy's Restaurant, and car Wash located within Lot 2 of said Subdivision; thence along the

northerly line and west line of said property the following four (4) courses: (1) West 81.88 feet, (2) North 21.46 feet, (3) West 74.18 feet, and (4) South 188.14 feet more or less to the Northeast corner of Lot 1 of said McFarland Subdivision; thence S 89°18'48" W 133.00 feet to the east line of the Maverik Family Travel Plaza Commercial Subdivision - Phase 1; thence N 0°41'12" W along said east line 46.00 feet more or less to the Northeast corner of said Subdivision; thence S 89°18'48" W along the north line of said Subdivision 382.93 feet to the Northwest corner of lot 2 in said Subdivision, said corner being a point on the east right-of-way line of 1850 West Street; thence along the west line of said Lot 2 the following three (3) courses: (1) Southeasterly along the arc of a non-tangent 210 foot radius curve to the right 27.63 feet (chord bears S 4°27'23" E 27.61 feet), (2) S 00°41'12" E 194.45 feet and (3) Southeasterly along the arc of a 18 foot radius curve to the left 28.27 feet (chord bears S 45° 41'12" E 25.46 feet) to a point on the north right-of way line of 2700 North Street; thence S 89°18'48" W along the said north right-of-way line 85.00 feet to a point of tangency on the south line of Lot 1 in said subdivision said point also being on the west line of 1850 West Street; thence along the east line of Lot 1 in said subdivision the following three (3) courses: (1) Northeasterly along the arc of a 7 foot radius curve to the left 11.00 feet (chord bears N 44°18'48" E 9.90 feet), (2) N 0°41'12" W 205.45 feet, and (3) Northwesterly along the arc of a 150 foot radius curve to the left 17.13 feet (chord bears N 3°57'29" W 17.12 feet) to the northeast corner of said Lot 1, said corner also being the southeast corner of Lot 4 in the Maverik Family Travel Plaza Commercial Subdivision - Phase 2; thence continuing along the west line of said 1850 West Street the following three (3) courses: (1) Northwesterly along the arc of a 150 foot radius curve to the left 170.22 feet (chord bears N 39°44'21" W 161.23 feet), (2) N 72°14'55" W 154.36 feet and (3) Northwesterly along the arc of a 184.40 foot radius curve to the right 86.25 feet (chord bears N 58°50'58" W 85.46 feet) to a point on the west line of said Subdivision, said point also being on the east line of the Interstate Highway I-15 right-of-way; thence along said right-of-way the following eight (8) courses: (1) N 06°25'20" W 122.43 feet to the Northwest corner of said Subdivision, (2) N 06°30' W 332.00 feet, more or less, (3) Northwesterly along the arc of a 5704.58 foot radius curve to the right 519.50 feet, more or less, (cord bears N 3°53'28" W 519.32 feet), (4) West 50.00 feet, (5) N 01°14' W 513.45 feet, (6) West 31.84 feet, (7) N 01°15'14" W 282.00 feet, (8) N 00°12' E 378.00 feet more or less to the north line of the Southeast Quarter of said Section 26; thence East 65.00 feet to the point of beginning.

Contains: 42.08 acres±



City Council

STAFF REPORT

AGENDA ITEM

2

TO: Honorable Mayor and City Council

FROM: Valerie Claussen, MPA, AICP
Assistant City Administrator
vclaussen@pleasantviewcity.com or (801) 827-0468

MEETING DATE: November 10, 2015

SUBJECT: Discussion and possible action on an appeal request by Kirt Peterson, with Pleasant View Holdings IV, for the June 4, 2015 planning commission decision on the Station at Pleasant View, Phase 3 appeal for a Conditional Use Permit, for the adoption of Master Development Guidelines for a multi-family high density residential use of 132 units on 9.97 acres zone located at approximately 2900 North Highway 89 (TIN: 19-016-0023), which property lies in the in the TOD (Transportation Oriented Development) zoning district.

RECOMMENDATION

Based on the Property Rights Ombudsman Advisory Opinion, move to **overturn** the Planning Commission's decision of CUP 15-005 and remand to the Planning Commission to process the development approval request.

APPEAL REQUEST

Background

The Planning Commission denied the original request at the June 4, 2015 meeting. Subsequently, the City made a request to and has received from the Property Rights Ombudsman an advisory opinion (*See Attachment A*). The opinion rendered specifically stated that the City's interpretation of the TOD Ordinance was incorrect because the multi-family residential use is permitted with a conditional use permit in this zoning district¹. Furthermore, the opinion states that while the City may require modification to the Master Development Guidelines; those changes are limited to only ones that would be related to a cohesive appearance and design with the overall existing TOD zone developments.

Based on the Advisory Opinion, Staff recommends overturning the original decision of the Planning Commission and remanding it back to the Commission for processing of the development approval request².

¹ Although the purpose and intent of TOD is for mixed-use, this section of the City Code in its "plain language" cannot require an applicant to provide mixed use.

² A technical review will be completed by City Staff and related review authority agencies. Review comments will be addressed by the applicant and upon substantial completion and approval at the Staff level of the engineering construction documents, the item will be scheduled to be heard by the Planning Commission.

ATTACHMENTS

- A) Advisory Opinion
- B) Planning Commission Staff Reports
- C) June 4, 2015 PC Minutes & Notice of Decision



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah Department of Commerce

OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN

FRANCINE A. GIANI
Executive Director

BRENT N. BATEMAN
Lead Attorney, Office of the Property Rights Ombudsman

ADVISORY OPINION

Advisory Opinion Requested By:	City of Pleasant View
Local Government Entity:	City of Pleasant View
Applicant for Land Use Approval:	Horizon Development and Management, LLC
Type of Property:	Multi-family Residential Development
Date of this Advisory Opinion:	October 26, 2015
Opinion Authored By:	Jordan S. Cullimore Office of the Property Rights Ombudsman

ISSUES

1. Did the City correctly interpret its ordinance to require the applicant to incorporate a mix of uses into the applicant's development proposal?
2. Is the City bound to expand the Master Development Guidelines of a prior, adjacent project to the applicant's present proposal?

SUMMARY OF ADVISORY OPINION

Courts follow established rules of statutory construction when determining the correct interpretation of a municipality's land use ordinance. Pleasant View City did not correctly interpret its TOD ordinance when it determined that Mr. Peterson's project must incorporate non-residential uses to comply with the zone's requirements. The plain language of the ordinance indicates that Mr. Peterson's proposed use is a conditionally permitted use that should be approved as long as it will not produce detrimental impacts that cannot be mitigated through reasonable conditions. The "Purpose and Intent" section of the ordinance does not require mixed use development, but instead provides for and encourages it.

Additionally, the City should follow the mandatory provisions of its ordinance and adopt a common set of Master Development Guidelines that governs all properties, including Mr. Peterson's current project, in the existing TOD Zone.

REVIEW

A Request for an Advisory Opinion may be filed at any time prior to the rendering of a final decision by a local land use appeal authority under the provisions of UTAH CODE § 13-43-205. An advisory opinion is meant to provide an early review, before any duty to exhaust administrative remedies, of significant land use questions so that those involved in a land use application or other specific land use disputes can have an independent review of an issue. It is hoped that such a review can help the parties avoid litigation, resolve differences in a fair and neutral forum, and understand the relevant law. The decision is not binding, but, as explained at the end of this opinion, may have some effect on the long-term cost of resolving such issues in the courts.

A Request for an Advisory Opinion was received from Valerie Claussen, Assistant City Administrator for Pleasant View City, on July 23, 2015. A copy of that request was sent via certified mail to Horizon Development and Land Management, LLC ("Horizon"), Attn: Kirt Peterson, President, at 1466 North Hwy 89, Ste 220, Farmington, Utah. According to the return receipt, Horizon received the Request on July 27, 2015.

EVIDENCE

The Ombudsman's Office reviewed the following relevant documents and information prior to completing this Advisory Opinion:

1. Request for an Advisory Opinion, with attachments, submitted by Valerie Claussen, Assistant City Administrator for Pleasant View City, on July 23, 2015.
2. Response from Bruce R. Baird, on behalf of Pleasant View Holdings IV, LLC, received August 17, 2015.
3. Reply submitted by Ms. Claussen, received September 3, 2015.

BACKGROUND

Kirt Peterson of Horizon Development and Land Management, LLC, proposes to construct 132 multi-family residences on a 9.97 acre parcel located in the Transportation Oriented Development (TOD) Zone at approximately 3000 North Highway 89 in Pleasant View City. The site is surrounded by light industrial, commercial, office, and other multi-family residential uses and is located near a UTA FrontRunner station.

The stated purposes of the TOD Zone are, among others, to provide standards for development of areas close to Pleasant View's major transportation hubs, and "[p]rovide for development of compatible mixed uses in close proximity to one another to provide a blend of retail, service, office, dining and residential uses." PLEASANT VIEW CITY CODE §18.39.010(1)-(2).

Prior development in the existing TOD Zone has consisted of two phases of a single, multi-family housing development. Mr. Peterson's proposal will occupy the remaining available, undeveloped portion of the existing TOD Zone.

The City determined that Mr. Peterson's proposal is not consistent with the requirements of the TOD Zone because the "Purpose and Intent" section of the City Code contemplates mixed use development and Mr. Peterson's proposal includes only residential uses. If his development were approved as proposed, the entire TOD Zone would consist only of multi-family residential housing, which would not fulfill the intent of the zone. Mr. Peterson responded to the City's concern by asserting that his proposal complies with the requirements of the TOD Zone because "multi-family high density residential" is a conditionally permitted use in the zone.

Subsequently, the Planning Commission denied Mr. Peterson's application on June 4, 2015. The Commission determined that the "purpose and intent" of the TOD Zone was not met since Mr. Peterson's proposal consisted of a single use (multi-family residential) and did not incorporate other compatible non-residential uses. Mr. Peterson appealed this decision, and Pleasant View City requested that the Ombudsman provide an opinion about whether the City properly interpreted its ordinance in denying Mr. Peterson's request for approval.

ANALYSIS

I. Pleasant View City's TOD Zone Does Not Require an Applicant to Include a Mix of Uses in a Project Proposal.

Pleasant View City did not correctly interpret its TOD ordinance when it determined that Mr. Peterson's project should incorporate non-residential uses. The plain language of the ordinance indicates that Mr. Peterson's proposed use is a conditionally permitted use that should be approved as long as it will not produce detrimental impacts that cannot be mitigated through reasonable conditions. The "Purpose and Intent" section of the ordinance does not require mixed use development; it provides for and encourages it. The ordinance does not require a project to incorporate non-residential uses with a multi-family residential use.

A. Rules of Statutory Interpretation.

To determine whether a municipality correctly interpreted and applied its ordinance to a development application, a court will follow established rules of statutory construction. *Foutz v. City of South Jordan*, 2004 UT 75, ¶ 8, 100 P.3d 1171. Because local governments possess a certain degree of specialized knowledge about their ordinances, Utah courts afford "some level of non-binding deference to the interpretation advanced by the local agency." *Carrier v. Salt Lake County*, 2004 UT 98, ¶ 28, 104 P.3d 1208. However, the courts retain the ultimate authority to determine whether a local government's interpretation of an ordinance is correct. *Id.*

Ordinance interpretation begins with an analysis of the plain language of the ordinance. *Carrier* 2004 UT 98 ¶ 30, 104 P.3d 1208. The primary goal of interpretation is "to give effect to the legislative intent, *as evidenced by the plain language*, in light of the purpose the statute was meant to achieve." *Foutz*, 2004 UT 75, ¶ 11, 100 P.3d 1171 (emphasis added). In doing so, it is presumed that the legislative body used each word advisedly. *Selman v. Box Elder County*, 2011 UT 18, ¶ 18, 251 P.3d 804. "When the plain meaning of the statute can be discerned from its language, no other interpretive tools are needed." *Id.* It is also important to recognize that zoning ordinances should be strictly construed in favor of allowing a property owner's desired use since

such ordinances are in derogation of an owner's use of land. *See Carrier* 2004 UT 98 ¶ 31, 104 P.3d 1208.

B. Interpretation and Application of Pleasant View City's TOD Ordinance.

The plain language of Section 18.39.030 of the Pleasant View City Code allows development projects consisting exclusively of single-use, multi-family housing. The section lists which uses are permitted, conditionally permitted, and prohibited in the TOD Zone. The list of conditionally permitted uses, in pertinent part, is as follows:

B. Conditional Uses:

...

7. Mixed-use development incorporating any uses listed herein as conditional uses.
8. Multi-Family high density residential, including residential facilities for the elderly and handicapped, condominiums, and generally all classes of affordable or higher end types of housing, whether for rental or sale.

...

PLEASANT VIEW CITY CODE § 18.39.030(B). The list of conditionally permitted uses includes multi-family high density residential, the use Mr. Peterson proposes on the subject parcel.

Separately, the list of conditional uses includes "[m]ixed use development incorporating any uses listed herein as conditional uses." *Id.* We presume that each term in an ordinance was included advisedly. *See Selman*, 2011 UT 18, ¶18, 251 P.3d 804. Since both "multi-family residential" and "mixed-use development" were listed separately as conditionally permitted use categories, both use categories are separate and independent of one another.

Moreover, a section of the TOD ordinance specifically lists prohibited uses in the zone. PLEASANT VIEW CITY CODE § 18.39.030(C). This list does not prohibit any of the standalone permitted or conditionally permitted use categories. This bolsters the conclusion that the plain language of Pleasant View City's TOD ordinance entitles Mr. Peterson to approval of a development proposal that consists exclusively of multi-family residential housing, subject to any development standards and reasonable conditions imposed by the land use authority to mitigate potentially detrimental impacts of the use. *See UTAH CODE ANN.* § 10-9a-507(2)(a).

C. Legal Effect of the "Purpose and Intent" Section of the TOD Ordinance.

Pleasant View City asserts that it can require Mr. Peterson to include a mix of uses in its project proposal because of the "Purpose and Intent" section of the TOD ordinance. One of the stated purposes of the TOD Zone is to "[p]rovide for development of compatible mixed uses in close proximity to one another to provide a blend of retail service, office, dining and residential uses...." PLEASANT VIEW CITY CODE § 18.39.010(A)(2).

In *Price Development Co. v. Orem City*, 2000 UT 26, ¶ 23, 995 P.2d 1237, the court discussed the role of a policy section in a statute. The court "referred to a statement of legislative purpose

as a 'preamble' to the operative provisions of a statute." *Id.* As such, "a preamble is nothing more than a statement of policy which confers no substantive rights." *Id.* The court further explained that these provisions "provide guidance to the reader as to how the act should be enforced and interpreted, but they are not a substantive part of the statute." *Id.* Accordingly, these provisions "may be used to clarify ambiguities, but they do not create rights that are not found within the statute, nor do they limit those actually given by the legislation." *Id.* Since the substantive text of the TOD ordinance unambiguously allows multi-family housing as a standalone use, we need not look to the statement of purpose and intent for clarification.

Further, in the event that the "Purpose and Intent" section of the ordinance were considered binding on an applicant for development approval, the plain language of the section states that the purpose of the zone is to "[p]rovide for development of compatible mixed uses...." PLEASANT VIEW CITY CODE § 18.39.030(A)(2) (emphasis added). The dictionary defines "provide for something" as "[making] it possible for something to happen in the future," *Macmillan Dictionary*, www.macmillandictionary.com/us/dictionary/american/provide-for, or encourage it, as opposed to requiring a certain outcome. Thus, the "Purpose and Intent" section by its plain language does not *require* mixed-use development.

D. Appropriate Use of Conditions in the Conditional Use Permit Context.

Pleasant View City, in its June 4, 2015 Planning Commission staff report on Mr. Peterson's proposal, proposes an approach of imposing, as a condition of approval pursuant to the required conditional use permit, a requirement that the project include a certain percentage of non-residential uses. While it is appropriate to impose reasonable conditions on a conditionally permitted use, UTAH CODE ANN. § 10-9a-507, a condition of this nature would be improper in this context.

Utah Code states that a conditional use "shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." *Id.* § 10-9a-507(2)(a). Further, an application for approval of a conditional use permit may only be denied if the reasonably anticipated detrimental effects of a proposed use "cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards." *Id.* § 10-9a-507(2)(b).

Pleasant View City Code Chapter 18.54 articulates the applicable standards that a conditional use must meet to receive approval. The applicable standards identify concerns related to the general well-being of the community, human and environmental health and safety, traffic, parking, building design and location, landscaping, signs, etc., as well as concerns about compatibility with surrounding uses and conformance to "goals, policies, governing principles, and the land uses found in the General Plan of the city." PLEASANT VIEW CITY CODE § 18.54.050(A)-(D).

If the Planning Commission were to identify unique characteristics related to multi-family, high-density housing that could be reasonably anticipated, by substantial evidence, to have a detrimental effect on any of the above concerns, the imposition of reasonable conditions to mitigate such impacts would be appropriate. However, it is improper to designate the conditionally approved use (multi-family, high-density residential) as an intrinsically detrimental

impact, the solution to which is non-residential uses, when the ordinance governing the zone already identifies the standalone use as an appropriate and compatible use in the zone. For this reason, it would be improper to impose, as a condition of site plan approval, a requirement that the project include a certain percentage of non-residential uses.

E. Consideration of Prior Projects within the TOD Zone.

In the record submitted by Pleasant View City, multiple references exist to statements made by city representatives that the existing TOD Zone, of which this project is a part, was established with the intent of creating a mixed use area. Such statements were made in the context of granting approvals for other multi-family residential project phases in the zone.

The project that is the subject of this Advisory Opinion will occupy the remaining area currently available for development within the TOD Zone. All of the prior development in the zone has consisted of multi-family residential housing. This is partially why the City has instructed Mr. Peterson to include nonresidential uses in his current proposal—to ensure that some portion of the existing zone contains non-residential development.

Pleasant View City's TOD ordinance does not support the conclusion that the City has the authority to consider the present proposal in context of prior development within the zone, and require this project to bear the burden of carrying out the legislative preference of mixed use development. *See Price Development Co.*, 2000 UT 26, ¶ 24, 995 P.2d 1237. The plain language of the ordinance, *see Carrier* 2004 UT 98 ¶ 30, 104 P.3d 1208, does not make the approval of subsequent projects contingent on the approval of prior projects.

Moreover, the fact that the City has granted approval for prior single-use, multi-family residential projects in the TOD Zone strengthens the conclusion that such projects comply with the requirements of the zone. Accordingly, the City's requirement to include non-residential uses in the development does not comply with the plain language of Pleasant View City ordinances.

II. Pleasant View City Should Create a Common Set of Master Development Guidelines for the Entire TOD District.

Pleasant View City also requests that the Ombudsman's Office provide an opinion regarding whether the City is obligated to expand the Master Development Guidelines approved for the prior project in the TOD Zone to the current project Mr. Peterson is proposing. The Code states that a common set of Master Development Guidelines (MDGs) governing architectural design, open space, buildings, and structures "shall be adopted as supplemental regulations applicable to *all properties* in a specific TOD Zone." PLEASANT VIEW CITY CODE § 18.39.060(A)(1) (emphasis added). The Code indicates that the purpose of the MDGs, and an accompanying Common Area Management Plan for landscaping, open space, and common areas, is to establish design standards that "create a cohesive appearance that is pedestrian friendly (walkable) and...encourages travel by transit, bicycling, van pooling, and car pooling." PLEASANT VIEW CITY CODE § 18.39.060(A)(2).

Pleasant View City has acknowledged that it should have adopted comprehensive MDGs for all the properties in the existing TOD Zone when it was established, but did not. Instead, the practice has been to adopt Master Development Guidelines in piecemeal fashion as development has occurred.

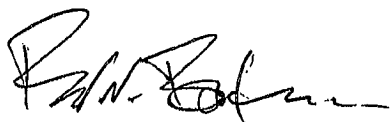
Utah Code states that a city is bound by the terms and standards of its land use ordinances and must comply with the ordinances' mandatory provisions. UTAH CODE ANN. § 10-9a-509(2). Consequently, and according to Code requirements, the City should adopt a common set of Master Development Guidelines, *see* PLEASANT VIEW CITY CODE § 18.39.060(A)(1), that governs all properties, including Mr. Peterson's current project, in the existing TOD Zone.

That said, the Code does grant the City discretion to review, and amend the document "as necessary." PLEASANT VIEW CITY CODE § 18.39.060(A)(1). Accordingly, if the City determines that the existing MDG document applicable to the existing TOD Zone needs to be modified in consideration of the new project to ensure a cohesive appearance that is pedestrian and transit friendly, the City has the discretion to do so as long as it considers and preserves the vested rights possessed by Mr. Peterson as a result of submitting a complete land use application to the City.

CONCLUSION

Courts follow established rules of statutory construction when determining the correct interpretation of a municipality's land use ordinance. Pleasant View City did not properly interpret its TOD ordinance when it determined that Mr. Peterson's project must incorporate non-residential uses to comply with the zone's requirements. The plain language of the ordinance indicates that Mr. Peterson's proposed use is a conditionally permitted use that should be approved as long as it will not produce detrimental impacts that cannot be mitigated through reasonable conditions. The "Purpose and Intent" section of the ordinance does not require mixed-use development, but instead provides for and encourages it.

Additionally, the City should follow the mandatory provisions of its ordinance and adopt a common set of Master Development Guidelines that governs all properties, including Mr. Peterson's current project, in the existing TOD Zone.



Brent N. Bateman, Lead Attorney
Office of the Property Rights Ombudsman

NOTE:

This is an advisory opinion as defined in § 13-43-205 of the Utah Code. It does not constitute legal advice, and is not to be construed as reflecting the opinions or policy of the State of Utah or the Department of Commerce. The opinions expressed are arrived at based on a summary review of the factual situation involved in this specific matter, and may or may not reflect the opinion that might be expressed in another matter where the facts and circumstances are different or where the relevant law may have changed.

While the author is an attorney and has prepared this opinion in light of his understanding of the relevant law, he does not represent anyone involved in this matter. Anyone with an interest in these issues who must protect that interest should seek the advice of his or her own legal counsel and not rely on this document as a definitive statement of how to protect or advance his interest.

An advisory opinion issued by the Office of the Property Rights Ombudsman is not binding on any party to a dispute involving land use law. If the same issue that is the subject of an advisory opinion is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion, the substantially prevailing party on that cause of action may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution.

Evidence of a review by the Office of the Property Rights Ombudsman and the opinions, writings, findings, and determinations of the Office of the Property Rights Ombudsman are not admissible as evidence in a judicial action, except in small claims court, a judicial review of arbitration, or in determining costs and legal fees as explained above.

The Advisory Opinion process is an alternative dispute resolution process. Advisory Opinions are intended to assist parties to resolve disputes and avoid litigation. All of the statutory procedures in place for Advisory Opinions, as well as the internal policies of the Office of the Property Rights Ombudsman, are designed to maximize the opportunity to resolve disputes in a friendly and mutually beneficial manner. The Advisory Opinion attorney fees provisions, found in Utah Code § 13-43-206, are also designed to encourage dispute resolution. By statute they are awarded in very narrow circumstances, and even if those circumstances are met, the judge maintains discretion regarding whether to award them.

MAILING CERTIFICATE

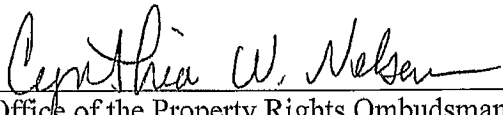
Section 13-43-206(10)(b) of the Utah Code requires delivery of the attached advisory opinion to the government entity involved in this matter in a manner that complies with Utah Code Ann. § 63-30d-401 (Notices Filed Under the Governmental Immunity Act).

These provisions of state code require that the advisory opinion be delivered to the agent designated by the governmental entity to receive notices on behalf of the governmental entity in the Governmental Immunity Act database maintained by the Utah State Department of Commerce, Division of Corporations and Commercial Code, and to the address shown is as designated in that database.

The person and address designated in the Governmental Immunity Act database is as follows:

Horizon Development and Land Management, LLC
Attn: Kirt Peterson, President
1466 N. Hwy 89, Ste. 220
Farmington, Utah 84025

On this 26th Day of October, 2015, I caused the attached Advisory Opinion to be delivered to the governmental office by delivering the same to the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the person shown above.



Office of the Property Rights Ombudsman



Planning Commission

STAFF REPORT

AGENDA ITEM

#1

TO: Pleasant View City Planning Commission

FROM: Valerie Claussen, MPA, AICP
Assistant City Administrator
vclaussen@pleasantviewcity.com (801) 827-0468

MEETING DATE: June 4, 2015

SUBJECT: Public Hearing, Discussion, and Possible Action on **CUP 15-005**, a request by Kirt Peterson, with Pleasant View Holdings IV, LLC for a Conditional Use Permit for the adoption of Master Development Guidelines for a multi-family high density residential use of 132 units on 9.97 acres zone located at approximately 2900 North Highway 89 (TIN: 19-016-0023), which property lies in the in the TOD (Transportation Oriented Development) zoning district.

RECOMMENDATIONS / ALTERNATIVES

Move to **continue**, CUP 15-005, the Station at Pleasant View, Phase 3, to a future meeting date to provide time for the application to modify the proposal as recommended by the Commission.

Move to **deny**, CUP 15-005, the Station at Pleasant View, Phase 3, as the findings cannot be met to approval such a request, as discussed at this meeting and in the Staff Report, and in accordance with Utah Code.

Move to **approve**, CUP 15-005, the Station at Pleasant View, Phase 3, the findings can be met, **[list here]**.

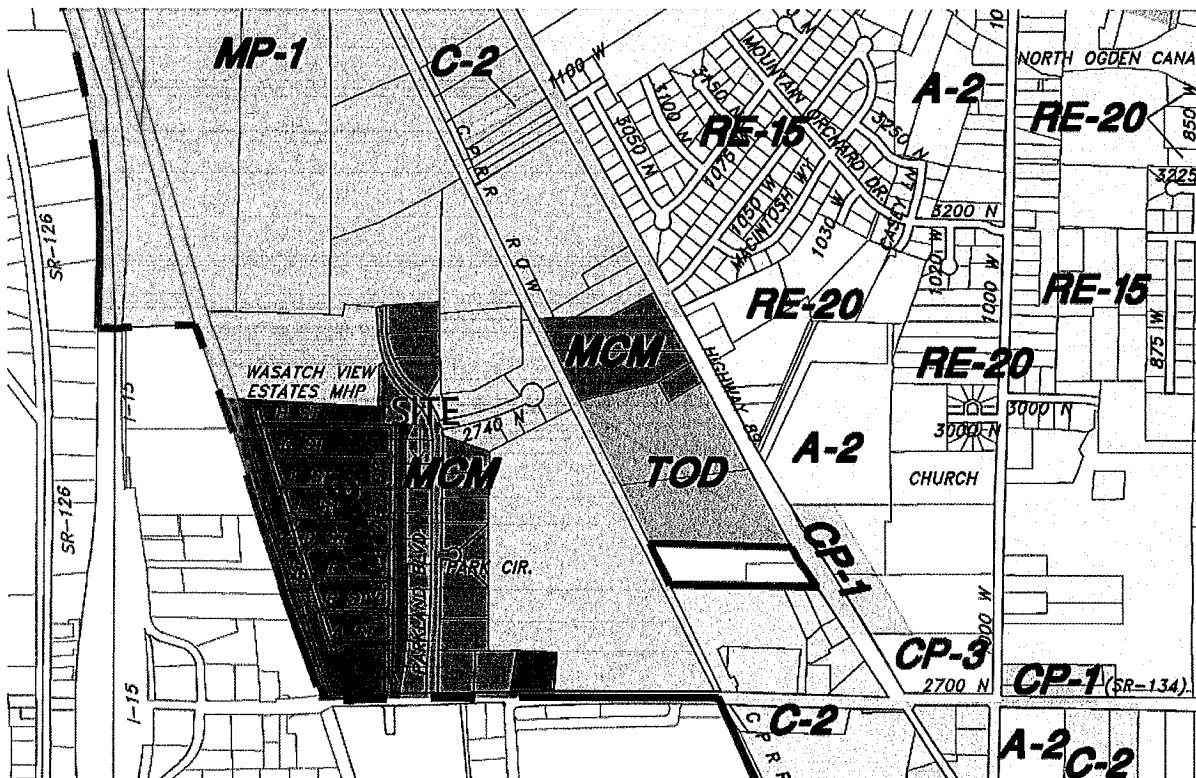
PROJECT SUMMARY

In addition to a CUP, the project requires adoption of Master Development Guidelines (MDG), one of the standards required in this particular zoning district. An MDG is anticipated to include similar components of a site plan, which were submitted and attached for reference; however, as discussed in further detail in the report, Staff has indicated concern with consistency of the proposal with TOD zoning.

A Common Area Management Plan (CAMP) will also be required and recorded prior to development, but will be discussed at a subsequent meeting.

Project Information	
Project Name	The Station at Pleasant View, Phase 3
Site Location	Approx. 1100 W 3100 North
Parcel Numbers	19-122-0002
Applicant	Kirt Peterson Pleasant View Holdings, IV, LLC
Owner	Dave Skeen
Proposed Action	Conditional Use Permit & Master Development Guide approval
Master Plan Land Use	Mixed Use West
Zoning District	TOD (Transportation Oriented Development)
Gross Site Area	9.97 acres
Number of Units/Density	132 multi-family units (townhomes)/13.24 DU/AC

Vicinity and Zoning Map



ANALYSIS

Master Plan and Zoning

The property is Master Planned Mixed Use West Area and zoned TOD. The site consists of 9.97 acres located on the west side of Highway 89 at approximately 2900 North. It is surrounded predominately by light industrial, commercial and office uses with MCM and MP-1 zoning and the railroad tracks are directly to the west.

The Chapter IV of the City's Master Plan states the following in regards to TOD zones:

IV. Future Land Use (2) (F) Residential. Variable density should be considered in Transportation Oriented Development (TOD) areas. TOD development may also include mixed use, residential, or commercial only.

Furthermore, Title 18.39 TOD of the City's Municipal Code states the following for the zone's purpose and intent (emphasis added):

18.39.010 Purpose and Intent.

A. The purpose of the Transportation Oriented Development ("TOD") Zone are to:

1. Provide standards for development of areas **in close proximity to Pleasant View's major transportation hubs, including highways, commuter rail and related facilities that will encourage the creation of an architecturally unique, vibrant commercial and mixed use district reflective of the city's character;**
2. Provide for development of **compatible mixed uses in close proximity to one another to provide a blend of retail, service, office, dining and residential uses;** to facilitate safe, attractive, and convenient pedestrian circulation and minimize conflicts between pedestrians and vehicles; to encourage travel by transit, walking, bicycling, car pooling and van pooling; provide a transition from the urban scale of the TOD District to adjacent areas;

B. It is intended that this zone will **be applied only within a reasonable distance**, as determined by the city, of transportation hubs that provided access to multiple transportation alternatives.

Zoning Concerns Cited

Concerns with the consistency with the zoning have been provided to the applicant. The applicant has responded that they are consistent with zoning because high density multi-family residential use is permitted in the TOD, with a CUP. However, the purpose and intent clearly states that the developments are to be of mixed-use, and an entire TOD zone of 24.5-acres that is developed in the identical fashion does not meet this standard, regardless of discussion about a CUP for only similarly proposed multi-family residential uses.

Finite TOD Zoning in City

The TOD zone is only anticipated to be applied **"within a reasonable distance of transportation hubs"**. In our City's instance, this is the Front Runner Station and certain areas along 2700 North west of Highway 89 near the I-15. The TOD zone is not a zoning that can be placed just anywhere within the City. It will be limited, and at this time, the 24.5 acres of the subject parcel, and the 14 acres to the south, are the only area designated as TOD.

No Mixed-Use Proposed

The TOD zone is intended to be “**a blend of retail, service, office, dining and residential uses.**” Nothing in the current proposal, which is associated with the previous adjacent developments, as Phase 3, proposes any kind of blend of retail, services, offices or dining uses. It is just less than 10 acres of 132 multi-family units.

Not Vibrant Commercial or Reflective of City Character

Nothing in the current proposal, that again is associated with the previous adjacent developments, is the **creation of an architecturally unique, vibrant commercial and mixed use district reflective of the city's character.** The TOD's purpose of creating a place is not met with the current proposal of only including additional residential uses, void of commercial and any other non-residential type uses.

The City's character is not reflected in a full TOD development that consist of only multi-family housing. The TOD should not be a zone that is only used as a means to develop multi-family residential within the City, there are other zoning districts for this type of development, as the TOD explicitly states its purpose and intent is different than for instance the RM (Residential Multi-family zone.)

Conditional Use Permit Review

In addition to the findings the City makes in approval of a CUP the Utah State Code has the following standard:

10-9a-507. Conditional uses.

- (1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
- (2)(a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
- (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

At this time, with the current proposal, a conditional use permit cannot be approved or the proposed use substantially mitigated with conditions that would adequately achieve compliance with the applicable standards of the TOD (Transportation Oriented Development) zoning district. The specific standards are discussed in detail, in the previous section.

Site Plan Review

The purpose and intent of site plan review is to assure compatible and complimentary design of sites, buildings and infrastructure that further the goals and policies of the City's General or Master Plans. Additional comments are anticipated and will be provided to the applicant upon a final technical review of either modified plans (if so directed by the Commission) or of existing plans, should the Commission and/or Council accept the MDG.

Access

The Adequacy Determination and North View Fire District both include serious comments regarding the access to the development. The current proposal includes a single access that is

a shared access with the developed portion of the 142 existing units to the south. While the City acknowledges that a shared access was agreed upon with properties under separate ownership at that time, the uses are now proposing substantial changes that what currently exists and are subject to meeting current standards.

Coordination with UDOT and obtaining necessary permits and appropriate access will be required.

Public Comment

Councilman Pitman has emailed a comment that he requested be provided, since he will not be able to attend the meeting.

FINDINGS

Conditional Use and Site Plan Review Criteria

City Code Chapter 18.54.050 establishes the review criteria that must be established by the Planning Commission to approve a Conditional Use Permit and Site Plan. The findings and staff's evaluation are outlined below:

Intent and Recommendation		Staff Analysis
1)	The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community; and	To be determined.
2)	Such use will not, under the circumstance of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complementary to the existing surrounding and/or planned future uses, buildings and structures when considering existing surrounding and/or planned future uses, buildings and structures when considering traffic generation, parking building design and location, landscaping and signs; and	To be determined.
3)	The proposed use will comply with the regulations and conditions specified in this title for such use including the design standards of the city and the standards of this chapter; and	The proposed use is not consistent with the City's TOD zoning ordinance.

4)	The proposed use conforms to the goals, policies, governing principles, and the land uses found in the General Plan of the city; and	The proposal is not consistent with the City's General Plan.
5)	The proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity, or the community or area as a whole.	The proposed use is not anticipated to lead to deterioration of the environment, nor produce conditions or emit pollutants that would detrimentally affect surrounding properties.

Site Plan Review Purposes

City Code Chapter 18.54.030 establishes further purposes of Site Plan approvals that should be reviewed by the Planning Commission. Those purposes and staff's evaluation are outlined below:

Purpose and Review		Staff Analysis
1)	<p>For all uses other than single family dwellings and related accessory buildings, the following shall be in accordance with a site plan or plans (or subsequent amendment thereof as approved by the planning commission) prior to issuance of a building, or land use permit:</p> <ul style="list-style-type: none"> - the location of main and accessory buildings on the site and in relation to one another, - the traffic circulation features within the site, - the height and bulk of buildings, - the design features and materials of the buildings and site, - the provision of off-street parking space, - the provision for driveways for ingress and egress, - the provision of landscaping and open space on the site, - desired or necessary connections to adjacent sites, - access to adjacent roadways, and - the display of signs 	To be determined.

2)	<p>The Planning Commission shall endeavor to:</p> <ul style="list-style-type: none"> - assure safety and convenience of traffic movement both within the land area considered and in relation to street access, - harmonious and beneficial relation among the buildings and uses in the land area considered, and - the satisfactory and harmonious relation between such area and contiguous land and buildings and with adjacent neighborhoods. 	To be determined.
3)	<p>The Planning Commission may impose any conditions or requirements designated or specified to meet the provisions of this chapter and the City's General or Master plans.</p>	The proposed use is not consistent with the City's TOD zoning ordinance or the Master Plan for mixed-use developments.

CONDITIONS OF APPROVAL

Conditional Use Permit

- 1) This Conditional Use Permit is for multi-family residential use in the TOD zoning district, not to exceed a unit count whereas the project shall provide mixed-uses, specifically _____% **(20% or approx. 4-5 acres?)** of the project area to be used as commercial.
- 2) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

Site Plan

- 1) A Master Development Guidelines (MDG) document shall be adopted by Council prior to submitting for building permits.
 - a. The MDG will provide adequate access, of at least two points of ingress/egress. A UDOT Level II traffic impact study shall be submitted and reviewed.
 - b. The MDG will reflect mixed-uses, and at minimum provide a commercial component of not less than _____% **(20%?)** of the project area.
- 2) A Common Area Management Plan (CAMP) document shall be submitted, reviewed by Staff and approved by Council prior to submitting for building permits.

- 3) Construction Documents are required to be submitted for building permits. Such construction documents shall be reviewed and approved by the City Engineer prior to building permits being issued. The building official will review and the building plan set prior to building permits being issued.
- 4) Final Site Plan approval is subject to North View Fire District review and approval.
- 5) Final Site Plan approval is subject to Bona Vista Water District review and approval.
- 6) Final Site Plan approval is subject to Utah Department of Transportation (UDOT) approvals and obtaining all necessary permits and accesses.
- 7) Pursuant to 18.54.070, the property owner or developer agrees to install all approved and required improvements, including but not limited to: landscaping, parking lots, fences, walls and utilities (sewer, water, gas lines, utilities, streets, storm sewer and others as set forth in the subdivision ordinances of the city) to the property line or such location as required by the city to facilitate the orderly and proper development of the surrounding property. Occupancy of any building shall not commence until all required improvements, whether public or private are in place. Otherwise, the project is subject to establishing an escrow account such improvements.

ATTACHMENTS

1. Project Master Plan Submittal
2. Title 18.39 TOD Zone (Excerpt from Municipal Code)
3. Review Memo, dated May 29, 2015
4. Review Memo, dated March 6, 2015
5. Public Comment



Planning Commission

STAFF REPORT

ADDENDUM
TO ITEM
#1

TO: Pleasant View City Planning Commission

FROM: Valerie Claussen, MPA, AICP
Assistant City Administrator
vclaussen@pleasantviewcity.com (801) 827-0468

MEETING DATE: June 4, 2015

SUBJECT: Staff Report Addendum for The Station at Pleasant View, Phase 3 CUP and MDG approval (Item #1, CUP 15-005)

DISCUSSION

The following information is provided to supplement the original Staff Report. It is in a question and answer format to address concerns that might have arisen due to certain aspects of this development request.

- *I am a more recently appointed Planning Commissioner, and was not around when the approvals of Phase 1 and Phase 2 were completed. What additional background information on these other two phases is available?*

A background attachment is included to this addendum. This includes minutes from Planning Commission and Council meetings, and Staff Reports (available for Phase 2, but not available for Phase 1 associated items, because it pre-dates current staff), Decision Letters and Correspondence.

- *Were there any further or additional discussions with the City Council regarding the mixed-use and TOD zoning designations that would encourage truly mixed-use development, not just a single-type use?*

Yes there was concern expressed by City Council that the mixed-uses really should consist of mixed uses in proposed developments. These discussions are reflected in the minutes of the Council meetings held in Spring 2013 at the time zoning text amendments were made regarding the RM, Mixed-Use and Gateway zones. These meeting minutes are attached.

Staff has also indicated serious concern with the proposal of a third phase in a TOD project that is exactly the same type of uses as the previous phases. That is not the intent or purpose of the TOD zone, which zoning is only to be considered in specific transportation hubs within the City and is to be an "architecturally unique, vibrant commercial and mixed use district reflective of the city's character".

- *Which governing body will ultimately be making the final decision on this application, the Planning Commission or City Council? It's confusing.*

There are several actions requiring development approval for this project. Although Conditional Use Permit public hearings are typically held at Planning Commission for final action, in this particular zone, the development approvals are tied to Master Development Guidelines (MDG), which are inextricably tied to the zoning of the property. An MDG has not previously been contemplated or approved for additional phases outside of Phase 1 and 2; and therefore are subject to review and recommendation of the Planning Commission and then review and final action by the City Council.

Additional approvals that will also be required are the Preliminary Subdivision plat and Final Subdivision Plat. The Preliminary Plat will be seen by both the Planning Commission and City Council, while Final Plats are only heard by the City Council.

- *What are the open space and amenity requirements for the TOD zone?*

In TOD, a minimum of 10 percent of the site shall be landscaped.

One of the intents of the TOD zone is to *"Provide open spaces and integrated landscaping to encourage and promote the creation of a destination center as well as to encourage and promote an integrated traffic and pedestrian friendly development design"*. Furthermore, project density should also have *"compensating areas of open space, outdoor play areas, and/or community facilities [should be] provided."*

Unfortunately the TOD doesn't specifically identify amenities; however, that would not preclude the Commission to have a discussion and provide recommendations on the amenities that should be provided for a TOD project. In Title 20.40.200 Mixed Use West provisions it states that apartments are subject to the RM zoning standards. While the zoning is TOD, the Mixed Use West is a quasi-overlay that would expand to this area of the City and using RM amenity standards, which are based on density, would be a logical starting place.

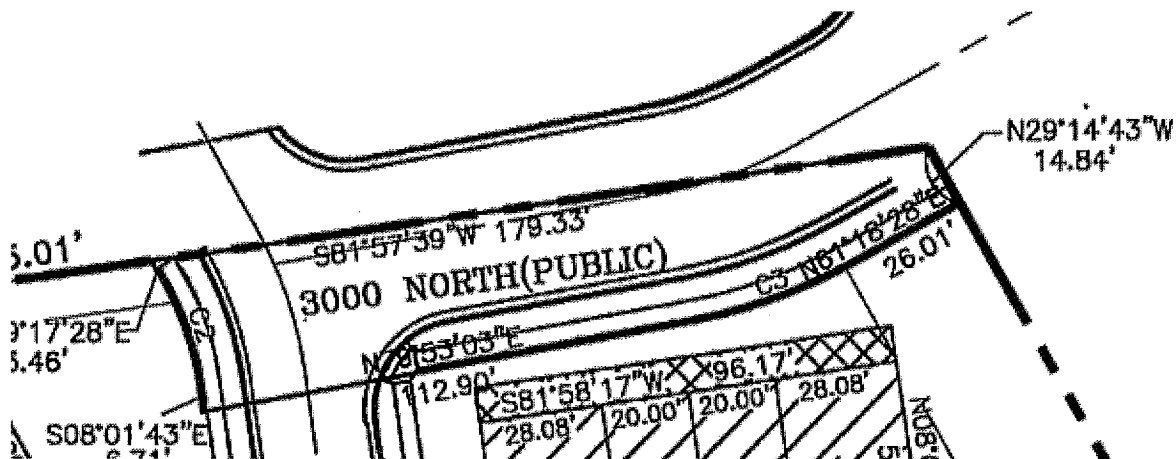
- *Is there only a single point of access at 3000 North onto Highway 89? That concerns me, to have that large of a residential development with only one single point of access.*

Yes, the proposal only provides a single point of access for the additional 132 units that would be developed, in addition to the existing 144 units that are part of the first two phases. City Staff and North View Fire District have expressed similar concerns. There is only an emergency access to the south that has been provided, that has a crash gate and is not permitted to be used for typical ingress/egress.

Additional development of this property will have to obtain approvals from UDOT, with a change of use on what has been previously undeveloped property. An updated traffic impact study is anticipated to provide further investigation and offer recommendations to mitigate, essentially double the use of what currently exists in the area.

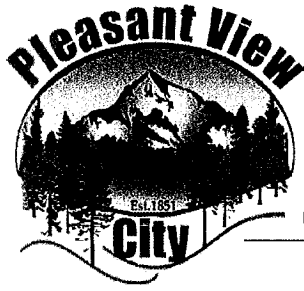
Recommendations from City Staff also include extending 3000 North in such a manner that a public road would be constructed that would also provide circulation for the entire development and properties to the north.

Another anomaly with the single point of entrance is that 3000 North is a small portion of a public road that "dead ends" into all private roads (shown in graphic below). Again, this is a particular item that Staff and the applicant will need to work on alternatives and a resolution to address this situation. Access and connectivity will have to be improved no matter the use of the property (if it stays townhomes or is some kind of mixed-use with commercial component.) There are still many unknowns as well to options, depending on further direction and possibly requirements from UDOT.



ATTACHMENTS

1. The Station at Pleasant View, Phase 1 and Phase 2 Background
2. Council Minutes from Spring 2013 on Zoning Text Amendments



520 W Elberta Drive
Pleasant View, UT 84414
Main Office (801) 782-8529

September 9, 2013

Mr. Kirt Peterson
Horizon Development and Management, LLC
1466 North Hwy 89, Suite 220
Farmington, Utah 84025

RE: Zoning of Parcel No. 19-016-0145

Mr. Peterson,

The above referenced property is zoned Transit Oriented Development (TOD) which allows for multi-family residential development as a conditional use, with a density of up to 50 units per acre. Parking requirements for the TOD zone are established in Title 18.44 of the City Code (a minimum of one parking stall per residential unit), or may be established in approved Master Development Guidelines ("MDG") for a particular project.

The following are the approvals obtained for the project to date:

- | | |
|-----------------------|--|
| March 7, 2013 | Planning Commission approves The Station at Pleasant View, a Town House Community, including Conditional Use/Site Plans, Master Development Guidelines (MDG), and Common Area Management Plan (CAMP) to be located in the Transportation Oriented Development (TOD) zone at approximately 2900 North Highway 89. Horizon Development, applicant. |
| March 12, 2013 | City Council approves the Master Development Guidelines (MDG) for the Station at Pleasant View. |
| April 9, 2013 | City Council approves the Station at Pleasant View PUD, Phase 1 Subdivision (Plat approval). |

The conditional use permit for the residential use in the TOD zoning district has been obtained and approved for the entire project. The Final Subdivision Plat for Phase 1 has also been obtained and approved. It is anticipated that Phase 2 of the subdivision will be forthcoming for approvals at a later date.

Should you have any questions please do not hesitate to contact me at (801) 827-0468 or via email at vclaussen@pleasantviewcity.com.

Sincerely,

A handwritten signature in cursive script that reads "Valerie Claussen".

Valerie Claussen

**MINUTES OF A REGULAR PLEASANT VIEW CITY
PLANNING COMMISSION MEETING HELD**

March 7, 2013

MEMBERS PRESENT

Kent Ritchie
Andy Nef
Richard Christofferson
Glen Ames
Richard Lewis, excused
Ryan Johnson
John D'Agnillo
Mike Humphreys, City Council Member
Melinda Brimhall, City Administrator, excused
Bruce Talbot, Dir. Of Comm. & Dev. Services
Heather Gale, City Treasurer

VISITORS

Kirt Peterson
Mark Adams
Yvonne Weiler
Toby Mileski
Janna Vail
Sandy Shaw
Brent Johnson
Ryan Summerill
Steve Bingham
David W. Skeen
Sally Cluff
Debra Call

Commission Chair Kent Ritchie called the meeting to order at 6:08 P.M.

OPENING PRAYER: Glen Ames

PLEDGE OF ALLEGIANCE: John D'Agnillo

CONSENT AGENDA: John D'Agnillo moved to approve the February 21, 2013 minutes. Motion was seconded by Glen Ames. Voting was unanimous in favor.

ACTION ITEMS:

SUBDIVISION:

1. **Public Hearing: Request for approval of The Station at Pleasant View, a Town House Community, including Conditional Use/Site Plans, Master Development Guidelines (MDG), and Common Area Management Plan (CAMP) to be located in the Transportation Oriented Development (TOD) zone at approximately 2900 North Highway 89. Horizon Development, applicant.**

John D'Agnillo moved to open a public hearing. Motion was seconded by Glen Ames. Voting was unanimous in favor.

Bruce Talbot said that this is the first project in the TOD (Transit Oriented District) zone and the overall intent is to have a mix of commercial and residential because of the priority of the FrontRunner Station. Bruce said that the zone allows up to 50 units per acre and these will be townhomes that will have a mix of rentals and owned homes. Bruce said that we'll be going over the entire project and hopefully getting a recommendation for approval to go to the City Council.

Kirt Peterson with Horizon Development said that they have projects in Tooele, Idaho, etc. and they'll try to maintain the quality of the project and not just go for quantity. Mr. Peterson explained that the homes are larger than average and have a higher quality than most units that are similar and because of that they end up having less issues and turnover. Mr. Peterson showed a slide show with examples of homes from some of their other properties while he explained the amenities that they offer with each home. Mr. Peterson said that all the homes are Energy Star 3.0 qualified and they have green communities which in Pleasant View will consist of 2 story townhomes with 2, 3, and 4 bedrooms with attached garages.

Glen Ames asked about the color scheme because he doesn't care for one color on the rendering that he received. Mr. Peterson said that the colors don't print correctly and showed a home in the slide show that represented the colors that they would like to use. Glen asked about common areas for the community. Mr. Peterson said that each of their communities have a common area that can be reserved for weddings, parties, etc for their residents.

Mr. Peterson said that the first phase will consists of 72 units and 12 of those will be at market rate with the rest being income restricted which will be verified by the management company that they hire. The income restricted homes will be within the Section 42 housing requirements and a family of 4 can make no more than \$31, 500 a year. Mr. Peterson said that the quality of their homes are so good that they literally have waiting lists for people who want to move in which allows them to build a very quality product.

John D'Agnillo asked how the mix of owned and rented units works. Mr. Peterson said that because of the PUD/condo style of the project they could in the future be owner occupied. Mr. Peterson said that they have a 15 year requirement to stick with for the income restricted units and then they could all be owner occupied.

Ryan Johnson asked how the open space for children to play, for example, is figured. Mr. Peterson said that they try to include more than is needed and right now they're using 10 units to the acre and Bruce has informed them that they could do up to 50 units per acre and behind each home there will be between ten and fifteen feet of their own open space.

Richard Christofferson asked about the percentage of mix as far as the bedrooms are concerned. Mr. Peters said that he thinks there are 18 two bedrooms (with one car garages), about 12 four bedroom and the remaining would be three bedrooms and both the three and four bedrooms have two car garages. There are also going to be 5 units that are ADA compliant.

Kent Ritchie asked about UDOT access. Mr. Peterson said that as part of the agreement with UDOT, there is already an access there, UDOT just has to approve their plan and to the south of them the next access is at the Mackley's. Glen Ames asked about the crash gate. Mr. Peterson said that it will only be opened during an emergency and UDOT doesn't like it. Mr. Peterson said that once they have another access, they'll remove the crash gate. Kent Ritchie said that he's concerned about the crash gate and having only one access point. Mr. Peterson showed on the plans where there are four "coves" all with connectivity for the future. Glen Ames asked if there will be a right turn deceleration lane and a median to turn left into the

project. Mr. Peterson said that the traffic impact study showed no need for a deceleration lane and yes, there will be a left turn bay.

Andy Nef asked how the community starts an HOA and eventually turns it over to the owners. Mr. Peterson said that once a nominal number of units are sold it becomes an HOA and then they'll pay on HOA fee, but there won't be a fee until then. Andy Nef asked if the residents will know that they will eventually end up paying an HOA fees and additional costs for including roads, etc. Andy said that twenty years down the road they could be coming to the city and begging us to take over their roads because they're falling apart. Andy said that we've seen that in the past and we don't want to see that again and that's why he would like to know how it's handled. Mr. Peterson said that he sent a draft of the HOA document and Bruce sent it back to him with changes needing to be made. Mr. Peterson said that the document will be recorded with the plat but the price won't be set until it happens. Ryan Johnson said that he's happy they'll be upfront about those fees.

Mr. Peterson said that there will be a decorative concrete or rock wall with decorative block with at least a ten foot buffer with shrubs, annuals, etc., between the highway and the wall. Richard Christofferson asked how tall the wall will be. Mr. Peterson said the wall will be five to six feet tall. Mr. Peterson said that they're going for an old railroad station feel to it and will have cupolas when you drive into the development.

John D'Agnillo asked about the access road and stated his concern over the narrow road that is the access for all the traffic in the development. Mr. Peterson said that they're going to work with Mr. Skeen on that and they have two full lanes which should be sufficient for at least phase one. Mr. Peterson said they're restricted by UDOT, but they do want the road to be functional and safe.

Glen Ames asked how wide 600 west is. Bruce Talbot said that 600 west is 24 feet wide (the asphalt portion).

Kent Ritchie opened the meeting to public comment.

Ryan Summerell asked what the price ranges will be for the townhomes and if those prices have already been set. Mr. Peterson said that the units will start out as rentals so there's no set sale price yet but the units will have six months to one year leases and the rent for the Section 42 homes will rent for between \$380 and \$900/month and the market rates will be \$900 to \$1100/month. Mr. Summerell asked if a family of four moves in and their income increases will they be evicted. Mr. Peterson said that once they've moved in after three to six months if they make money there won't be any issues, but they'll certify annually so they can look for fraud.

Mr. Summerell asked about the location of the crash gate and if there will be a crash gate in phase 2 as well. Mr. Peterson said that the crash gate will be available for emergency personnel and they'll have keys to the gate. Mr. Summerell said that he's also concerned about striping on the shoulder concerning the emergency vehicles. Mr. Peterson said that there will be a six to one slope down to the gate which will be rot iron with a lock there will also be a pedestrian walkway to get to mass transit to the south. Mr. Summerell asked if there will be

speed bumps in the development and if the developer has gone through a rental to PUD transition before and added that the Commission should know that in this area rental to PUD won't work. Mr. Peterson said that there will not be speed bumps because of snow plowing.

David Skeen said that he's the property owner on the north side and when the TOD zone was put together this is what he saw coming down the road. Mr. Skeen said that he has no problems with it because that's why the TOD zone was created. Mr. Skeen said he could see more blacktop being put in later but he wouldn't want to do that until he sells it. Mr. Skeen said that he'd like to have the Commission tell him what he could do as far as landscaping is concerned on his slope which is six to one. Mr. Peterson said that they've looked at it and there's no difference between the slope coming off Mr. Skeen's property onto this project. Bruce said that we require a setback and it would need to be landscaped to collect water run off but he doesn't think it'll be a problem with the slope and you can always do some xeriscaping with rocks that will help with runoff. Mr. Skeen said that there's not a community that he's excavating in that these developments aren't going in and he thinks it's a good, upcoming idea.

John D'Agnillo asked about the timing for both phases. Mr. Peterson said that they'd like to dig by April 1st be building by June 1st and then have units ready to move into by Christmas and repeat the same timing the following year for phase 2.

Yvonne Weiler said that she's been a resident of Pleasant View for two years and moved here from California where her and her husband worked for the US Postal Service. Ms. Weiler said that being a mail carrier and delivering mail to these low income type housing areas causes problems with school, crime, etc and that's why they relocated because of what they've seen happening in California. Ms. Weiler said that she's seen helicopters with spotlights at two in the morning looking for someone on the run and it scares her that it could happen here as well. Ms. Weiler said she's not being snotty at all but she's glad they haven't sold their home in California because they could always move back there if need be.

Mr. Peterson said that because of other developments that they've seen and the quality that's lacking, their company is different. Mr. Peterson said that his company takes a totally different attitude and they develop, build and and manage their communities and won't be satisfied with what others are doing. Mr. Peterson stated that background checks are done on each applicant and if they move in and participate in criminal activity once they live there, they're evicted and that's why they have such a long waiting list to move into their properties. Mr. Peterson said that although the concern is valid, these are crime free communities with on site property managers that are good places to live.

Ms. Weiler said that you can paint a pretty picture, but we have a government that caters to that type of individual and she's seen prostitution and crime move into these types of areas and the rosy picture is what everyone thinks will happen but doesn't.

Bruce Talbot said that this proposal is a unique situation and we have to look at it differently. Bruce said that the ordinance requires us to adopt rules to apply to specific projects. Bruce went through a list of requirements including CC&R's that will have to be recorded with the subdivision. Bruce said that he recommends approval of both the conditional use and the site

plan because the documents meet all the standards that were set up for the TOD zone. Bruce added that he's visited the Brigham City development about 5pm last fall and families were outside playing and saying hi and he was pleased with what he saw.

Kent Ritchie asked if the townhouse density is the same duplex density. Bruce said that they're very close to the same. Ryan Johnson asked why the ratio of Section 42 homes is 5 to 1. Mr. Peterson said that's the funding they received and the number is a function of the scoring and this project has the most market price units out of any they've built. Ryan Johnson asked if anyone has talked with the Brigham City Police Department to see how that development has affected their department. Bruce said that he's only spoken with their planner. Ryan said that he has heartburn because he thinks that the 5 to 1 ratio is high and he understands the federal funding aspect but thinks that there's a reality of greater problems in the future due to the numbers.

John D'Agnillo asked if the site plan approval or concept only needed consideration tonight. Bruce said that the site plan approval will come at the next meeting with the subdivision. Kent Ritchie asked if it's fair to say this design is conceptual and at the point of subdivision approval they'll go over the site plan details. Kent asked Mike Humphreys for his input and what he thinks the City Council will think. Mike Humphreys said that he has the same concerns as Ryan but the plan is the density that we're looking for. Mike said that we need to remember that we need to live with the project if it's approved and this is a big step for the Commission.

Bruce Talbot said that he needs to say very loudly and clearly that this is allowed in the zone, the devil is in the details alone. Richard Christofferson said that he went to Brigham City last week and looked at that project and he thinks this type of development is the future and we should engage in a project that looks like a winner. Mike Humphreys said that as far as rentals go you can't ask for a better plan. Richard Christofferson said that we set this whole thing up because of the train and we decided that's where we wanted density so he's not sure why we would be reluctant now. Mike said that this would take up part of the proposed 15% of apartments. Kent Ritchie asked about the 15% and Bruce explained that the Commission had talked about limiting the number of apartments in the city to 15% and if we say any rental unit is considered an apartment, then we would be maxed out at 400 units and we already have 120. Kent Ritchie said that we have the opportunity to utilize in our city with a big box store in the future, but if you eat up the whole area with apartments you take away what you have for the future and I think you have to consider this project in that 15% of apartments, that's my personal feeling.

Toby Mileski said that Councilman Humphreys said this is allowable in the zone and as far as the 15% I think you have to exclude this project because they're separate units. Toby said that he thinks if you're going to count this project then someone needs to go through the city and count every apartment and keep track that way. Glen Ames said that he's concerned about not having a cap on all high density housing, because we could end up with townhouses all over. Kent Ritchie said that he disagrees with Councilman Mileski and he thinks if you ask the residents of Pleasant View they don't care whether there are apartments or townhomes, they're all rental units.

Glen Ames said that he likes the general idea and thinks it's better than The Cove at Pleasant View. Glen said that the city has turned down a large apartment project but he doesn't feel good turning this down when we've already zoned for it. Glen said that his son could actually start a family and live in Pleasant View in the future rather than in downtown Ogden.

With no further public comment, Richard Christofferson moved to close the public hearing. Motion was seconded by Glen Ames. Voting was unanimous in favor.

Richard Christofferson said that we've approved the zone and this is a great project. Ryan Johnson said that he has no heartburn with the project, only the percentage of market rate units versus the low income units and there are really good people who will be left out because they can't afford to live in Pleasant View, but make too much to live at this development. Glen Ames said that there's not a good gradation if you make \$50,000/year you wouldn't be able to qualify here but you also don't make enough to get a stand alone home in Pleasant View. John D'Agnillo said that the project conforms to the TOD zone and there's nothing in the ordinance that speaks to rental rates. Andy Nef said that he agrees with the possible concerns regarding the five to one ratio and it's concerning, but there's no requirement listed for that. Andy said that this is a new thing for the Commission but the project meets the requirements and we planned to go this direction. Andy said that he has questions going forward at site plan approval and he'd like a chance to go look at the Brigham City development. Andy said that his concerns are looking forward as a city and the what the HOA will look like, how will it be working long term, 15 to 20 years from now and will they be asking the city to take over their roads, etc. Andy said that he would like to make sure those things are discussed properly and not rush into anything.

Bruce Talbot said that with HOA's, they're a private organization and they have complete responsibility for maintenance of their systems including roads, sewer, water, snowplowing, garbage, etc. Bruce said that they can ask the city for help but we have a responsibility to say no because they don't have to comply with our standards and all of this will be in their CC&R's which we'll see when they proceed with the next part of the process. Kent Ritchie asked about the longevity of the business. Mr. Peterson said they've been in business for more than a decade. Ryan Johnson said that they haven't been around long enough to actually turn one of these projects over to the HOA.

Richard Christofferson moved to recommend approval of the conditional use plan and site plan to the City Council because of staff recommendations and meeting all requirements of the TOD zone. Motion was seconded by Glen Ames. Andy Nef said that he'd like to go look at the Brigham City project before we move it on to the City Council. Ryan Johnson said that it meets all the criteria and looking at that other location will hopefully make you feel better about it. Kent Ritchie said that when the project comes back for site plan approval Andy can bring up questions again and can look at the other project in the meantime. Voting was unanimous in favor.

2. Public Hearing: Request for approval of Pleasant Fields Phase 2 Subdivision (five new lots) to be located at approximately 3100 N 1375 W. Destination Homes, applicant.

MINUTES OF A REGULAR PLEASANT VIEW CITY

PLANNING COMMISSION MEETING HELD

March 21, 2013

MEMBERS PRESENT

Kent Ritchie
Andy Nef
Richard Christofferson
Glen Ames
Richard Lewis
Ryan Johnson
John D'Agnillo
Mike Humphreys, City Council Member
Melinda Brimhall, City Administrator, excused
Bruce Talbot, Dir. Of Comm. & Dev. Services
Heather Gale, City Treasurer

VISITORS

Kirt Peterson
John Doruy
Yvonne Weiler
Jerry Weiler
Toby Mileski
Merrill Harris
Kerry Humphreys

Commission Chair Kent Ritchie called the meeting to order at 6:04 P.M.

OPENING PRAYER: Richard Lewis

PLEDGE OF ALLEGIANCE: Kent Ritchie

CONSENT AGENDA: Richard Lewis moved to approve the amended March 7, 2013 minutes. Motion was seconded by John D'Agnillo. Voting was unanimous in favor.

ACTION ITEMS:

SUBDIVISION:

1. **Public Hearing: Request for approval of The Station at Pleasant View, PUD Phase 1 Subdivision, a Town House Community, to be located in the Transportation Oriented Development (TOD) zone at approximately 29090 North Highway 89. Horizon Development, applicant**

Richard Lewis moved to open a public hearing. Motion was seconded by John D'Agnillo. Voting was unanimous in favor.

Bruce Talbot explained the project and how it had been before the Commission at the last meeting for the initial approval of this project in the TOD zone. Bruce said that this project is back for subdivision approval and the only request that the City Council had was to have a public right of way which has already been accomplished. Bruce said by an agreement with the adjacent property owner the road will be dedicated with the subdivisions plat and deed and we'll have a dedicated right of way recorded as well, irrespective of who owns the property in the future.

Richard Lewis asked how wide the road is because there's 25' listed one place and 22.5' listed in another place. Bruce said that it depends on how you measure it, but 22.5' is the width of the actual asphalt. Richard Lewis asked about the newspaper article in the Standard-Examiner that stated there's a list that people can get put on and asked if it was only for Pleasant View residents or if outsiders can sign up. Kirt Peterson said that he didn't see the article so he doesn't know exactly what was said, but at some of their other properties they do have waiting lists for people wanting to get into the units and anyone can get onto those lists. Mr. Peterson said that they'll put signs up once construction begins that lets people know how to get on the list and they'll have a management office open as well so people can stop by and sign up in person and ask questions.

Bruce said that they'll be putting a block like fence around the entire project (once the project is complete) and the clubhouse will be used by all the residents that live there and it will be built as part of phase one. Bruce said that the dead end stub streets that are there will be left as an option to access adjacent properties in the future and the city would encourage connectivity. Bruce said that the management of the project will be handled by the developer and they will also maintain the grounds and in the future if the individual units are sold, an HOA will be created and then the HOA will be responsible for all the maintenance. Bruce said that there are a few technical issues that can be taken care of at a staff level such as storm drain; correct addressing for recording and the mylar and plat documents.

Richard Lewis asked about the article in the newspaper again and if the rented units are sold eventually how it will work with recording the HOA after that long. Bruce said that whatever's recorded on the property stays forever and the reality is that's an option if they decide they don't want to do that, they could sell to another company or individuals and set up an HOA at that time. Bruce said that they have to set fees, and the likelihood is that they'll continue to operate the development. Bruce said that the city has options down the road and we'll get some extra property tax benefit from the project.

Richard Lewis said that he's concerned about the dog and pony show that they sell to us up front, but ten or fifteen years down the road what's it going to look like? Richard said that he wants the Commission to know they'll have to come back again. Bruce said that this is what these guys do and it's a long term project. Bruce said that the Section 42 housing is on private property and is none of our business. Bruce said that we can't make decisions based on income and rents, we can only establish the uses that are allowed and this is allowed. Bruce said that we'd like to see more commercial activity in this area and we could actually have seen more density than they're proposing.

John D'Agnillo asked about the entryway and the right of way dedicated to the city. John asked what the width of each portions deeded to the city. Bruce said that there's 60' total that's deeded and each property is 30'. Andy Nef asked if there's anything else that the Commission themselves needs to look at such as water or sewer. Bruce said that the culinary water will be through Bona Vista and we've been given a letter from Bona Vista that says they can service the development. Bruce said that they won't have secondary water so they do have some

restrictions on landscaping and the sewer and storm drain lines are designed to service the entire area and they'll tie into those lines along the railroad tracks.

Kent Ritchie asked about the height of the fence and mentioned that we made the Willowbrook Subdivision put in a 6' tall fence. Bruce said that it would be 5 to 6' depending on the chosen panels (which are a rock look), but we can make it 6'.

Bruce said that typically they wait until the buildings are going up and then they erect the fence and once they start phase 2 and complete the project they'll finish the fence around the remaining portion of the project. Kent Ritchie asked for public comment.

Merrill Harris said that because of the City Council meeting that he had attended, he wondered about the slow down lanes and the turn lanes because the plan I saw didn't have those. Bruce said that UDOT has to approve the access and they're requiring an acceleration lane and will probably require a deceleration lane as well. Mr. Harris said that this plan is a little different than the one that was presented at the council meeting with the Section 42. Mr. Harris said that he's not judging this company but he's concerned that the project will be sold and the development won't look as they say it will. Bruce said that all we can do is make sure the product is good quality, but we can't tell them whether they can sell or not. Mr. Harris asked if the city has looked at other projects in the area with the same income requirements because he doesn't want the city to look back and say "I didn't see that coming". Bruce explained that the city doesn't have the right to ask those questions. Bruce said that we don't give or get documents from the Federal Government and we don't have the right to look at or request that information.

Richard Lewis asked if when Mr. Harris was on the City Council in Harrisville City if he had an experience that we could learn from with sort of development. Mr. Harris said that he won't use specific examples, but you don't want a change between what's being presented here and what's shown at the City Council level.

Yvonne Weiler asked if the quality of construction has been verified through another source besides the developer and also if anyone has looked at online reviews. Ms. Weiler asked if inspections will be done throughout the building process. Mr. Peterson said that they have presented plans and drawings and shown details and there are inspections done along the way by the city inspector.

Jerry Weiler asked if the sewer system is capable of handling the added development. Kent Ritchie said that the sewer line is already improved and adequate and the water will be services by Bona Vista Water. Mr. Weiler asked for a reassurance that the sewer rates for the entire community won't increase due to this one project. Bruce Talbot said that all we do as a city is collect the sewer fees for the sewer district. Bruce said that there is a Board of Directors and Pleasant View is represented on the Board and he knows for a fact that they are completing a 30 million dollar upgrade to handle future growth. Bruce said that any new costs associated with such development will be bore by the developer and then the monthly useage fees will be paid for by the land owners.

Mr. Weiler asked what the property tax difference is between rental units and owned units. Bruce said that they're generally the same. Kent Ritchie added that they could remain rentals forever. Mr. Weiler asked if the city has any experience with a project of this size. Bruce reviewed The Cove project and the number of townhomes and apartments that are currently under construction. Mr. Weiler asked who would be responsible for the upkeep of the project if the developers go bankrupt and the project is abandoned. Mr. Weiler asked if anyone has looked into the impact that these units will have on the police and fire agencies. Bruce said that the city wouldn't have any obligation, only to the degree of the bond or escrow agreement. Pleasant View City wouldn't get stuck with water, sewer, etc.

Mr. Weiler asked if the developers have to come back with a public hearing before each phase. Bruce said yes but that this is it for this phase, the Planning Commission and we've already approved the Master Plan but we can look to see if there should be any changes made for the beginning of phase 2. Mr. Weiler asked if the city can tell the developer to downsize their project to a smaller number and also asked how the public noticing is done. Bruce said that the Master Plan is approved and we're obligated to say yes as the project has been presented. Bruce said that the public hearings are noticed by a large yellow sign being placed on the property with contact information if you'd like more information, the city's website, newspaper, the Utah State Public Meeting Notice Website, and if it's a zone change additionally we send out individual letters (notices) to the surrounding properties. Mr. Weiler asked if the public hearings can be placed in the quarterly newsletters. Bruce said that wouldn't work because we can't hold a project back waiting for the next newsletter to be sent out. Mr. Merrill said that the yellow signs are only placed when a zoning issue is occurring because there was no sign put out where the tennis courts are going in. Bruce explained the language on the signs, which basically says something is going on with this property and it could be zoning, subdivision, etc., call for more information. Bruce stated that the city does more than state law requires for noticing. Kent Ritchie said that we often get people say that they don't know things are going on. Kent said that the seats are mostly vacant until after action has already taken place and then people are disgruntled and for instance, we've taken two and half years to do the Master Plan. Kent said it's been in place since 2009 and he would appeal to the citizenry of Pleasant View to be involved. Kent said that his project fits the zoning, Master Plan and regulations and it's the Commission's responsibility to make sure they adhere to the rules and send it through. Mr. Merrill asked when the next public hearing will take place. Bruce said that the City Council will hear the item on Tuesday, April 9th but there are no zone changes needed for this project. Bruce said that the Council will also hear suggested changes to the rules of zoning ordinance on the 9th, but they're completely separate items.

Andy Nef asked if the sidewalks being so close to the road will cause any issues with snow removal. Mr. Peterson said that there shouldn't be any issues because the snow will be pushed to the end of the stub streets. Richard Lewis said that he has a friend that lives in West Point in a project that look similar and there are times when he can't get out of his driveway because the snow has been piled. Mr. Peterson said that there's sufficient room and he brought some pictures of an existing development that showed the sports court and wall from the Brigham City development. Kent Ritchie said that he likes a 6' fence because it will keep the kids in and the

riff raff out. Mr. Peterson said that they'll put in an emergency access and the crash gate will be 6' high like the wall, which will be on a berm.

John D'Agnillo said that the road still looks narrow to him and asked if they're sufficient coming off of a major highway. Mr. Peterson he doesn't anticipate any issues and they're going to meet the city specs and said that they are currently in the approval process with UDOT.

With no further public comment, Richard Lewis moved to close the public hearing. Motion was seconded by John D'Agnillo. Voting was unanimous in favor.

Glen Ames said that he looked at the Cottonwood Grove Phase 2 development and they looked nicer than any apartment he has ever lived in. Glen said that he was impressed they have nicer countertops than his current home does. Glen said that he imagines if the units are kept up they'll look similar to that development.

Kent Ritchie said that it's a nice project and asked if the developer's engineers have looked at the slope and water detention because that area has a lot of water on the property. Bruce said that the detention basin in phase 2, but it will be built during phase 1 and it's almost on top of the storm drain pipe.

Kent Ritchie asked about the number of units that have 1 car garages, as well as the number of units that have 2 car garages. Mr. Peterson said that the 2 bedroom units have a 1 car garage and the 3 and 4 bedroom units have 2 car garages. Mr. Peterson showed the plat map and said that there are 120 parking stalls besides the garages and driveways that cars can park on.

Kent Ritchie asked Mr. Skeen if he's ok with the deed. Mr. Skeen said that he has no problem with the deed and it will allow him access off the highway as well.

Richard Christofferson moved to recommend approval to the City Council of the subdivision with the recommendations in the staff report and a minimum 6' tall fence or wall along the length of Highway 89. Motion was seconded by Glen Ames. Richard Lewis abstained from voting. Voting aye were Glen Ames, Kent Ritchie, Andy Nef, Richard Christofferson, John D'Agnillo and Ryan Johnson. Motion passes.

2. Consideration of amendments to the City Ordinances pertaining to Conditional use/Site Plan Requirements and Design Requirements (continued from prior meetings).

Bruce Talbot said that he recommends a public hearing on these two chapters for the 11th of April and that gives you three weeks to read and communicate any changes to me that need to be made. Kent Ritchie asked that the ommissioners get any revisions to Bruce and be committed to look at the document and be ready for discussion and a public hearing on April 11th.

3. Commission business

Richard Lewis mentioned that he will be out of town for the second meeting of the month for April and May. Richard Christofferson said that he will be out of town for the April 25, 2013 meeting.

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF PLEASANT VIEW CITY, UTAH

March 12, 2013

The public meeting was held in the city office at 520 West Elberta Dr. in Pleasant View, Utah, commencing at 6:02 P.M.

MAYOR: Doug Clifford

COUNCILMEMBERS: Scott Boehme

Jerry Burns *(absent during items #5 (partial) - #11)*

Michael Humphreys

Mel Marker

Toby Mileski

STAFF: Melinda Brimhall Laurie Hellstrom

Bruce Talbot Brandon Jones

VISITORS: Terrie Stephenson Jody Deamer

Kirt Peterson Mark Adams

Janna Vail Debra Call

Dave Skeen Yvonne Weiler

Grace Anderson Cherie Crezee

Merrill Harris James Reeves

Pledge of Allegiance: Jerry Burns

Opening Prayer, Reading or Expression of Thought: Jerry Burns

Comments/Questions for the Mayor & Council for items not on the agenda.

No comments were made.

Consent:

Motion was made by CM Marker to approve the consent items (minutes of February 26, 2013 (open & closed) and the bills of Pleasant View City. 2nd by CM Boehme. Voting Aye: CM Boehme, CM Burns, CM Humphreys, CM Marker, and CM Mileski. Motion passed 5-0.

Business:

1. Approve the master plan for town houses in the TOD zone located at approximately 2900 N HWY 89. (*Presenter: Bruce Talbot*)

Bruce Talbot: this project is located north of Mackley's property. There will be 140 units overall on 14+ acres. 10 units to the acre and a club house. I have visited their Brigham City project. We first need to look at the TOD Zone. This property was re-annexed back into the city. The planning commission approved the conditional use and site plan with subject to items. This is a unique project. We need to approve a 'Master Development Guidelines'. The HOA would be the owner or otherwise give authority. CC& R's will be recorded. Look over the Master Development Guidelines documents included in your packet. The project includes an emergency access on HWY 89. There are access points to the south and north. CM Boehme: will UDOT allow two accesses? Bruce Talbot: they will allow one and the other is temporary and for an emergency access. CM Boehme: what is the amount of visitor parking? Bruce Talbot: ample parking. They will have RV parking in phase 2. Kirt Peterson: we have a lot of parking. CM Burns: what does Section 42 affordable housing mean? Kirt Peterson: gave an overview of the project. In the project there are 2, 3, & 4 bedroom units. There is an area behind for the residents, stucco/rock housing, 9' ceilings, granite countertops, a green community with and energy star of 15% better than code, R50 insulation. This is cutting edge construction. We make nice units. Section 42 is of the IRS code. The cost of construction offsets to pay down tax credits. A reduced rent cost is offset by the rent paid. Rent charged is based on qualifying income at different tiers. There will be 8 units at market rate and 64 units at income rate. Who rents those? 30% will have kids going to school with new families. That is where we will market. In Section 42 once you move in you no longer have to keep qualifying. Mayor Clifford: that is the rent forever and determined at the time of construction. If you sell, what would be the selling price? Kirt Peterson: we have to own it for a minimum of 15 years per federal requirements. CM Burns: what do you anticipate there after 30 years? Kirt Peterson: as long as I'm involved I'll keep it up. Mayor Clifford: this resorts to a HOA after 15 year? CM

Humphreys: how do you enforce the rules if the units are sold? Kirt Peterson: it would be difficult. We would sell the project to 72 owners and they would take over. CM Mileski: is UDOT's entrance allowed to be shared? Kirt Peterson: yes. I don't know if it is equally shared. The traffic study is done and submitted to UDOT. The engineering is sufficient for UDOT and our development. CM Mileski: how do you get access? Dave Skeen: an equal easement. My area is not paved. Mayor Clifford: the entrance road needs to be built to city standard. CM Mileski: is there a maintenance agreement in there. I wouldn't want residents driving through my private property. Kirt Peterson: it would be up to the neighboring property owner. CM Boehme: we require access even in a subdivision. Dave Skeen: I would have to use the emergency gate until UDOT will allow another entrance. Kirt Peterson: our deadline is April 1st. The road will be up to city standard except for the width. Dedicate the main entrance road to the city and then it is up to city standards and you can be open to ideas. CM Boehme: what is the driving benefit? Kirt Peterson: access to the next project. Mayor Clifford: good idea. It gives us control. Kirt Peterson: it could get messy. I would say no to allow entrance to a gravel business on your road for example. Bruce Talbot: that could be addressed at the subdivision level. Kirt Peterson reviewed the qualifications to whom the units can be rented to. Bruce Talbot: there is an acceleration lane on HWY 89.

Motion was made by CM Mileski to approve The Station as outlined in the memo dated March 8, 2013. 2nd by CM Marker. Voting Aye: CM Boehme, CM Burns, CM Humphreys, CM Marker, and CM Mileski. Motion passed 5-0.

4. Set public hearing dates for zoning amendments (RM Requirements, Mixed Use Zones, Gateway Zones, Changes of Zoning.) (*Presenter: Bruce Talbot*)

The zoning amendments will be discussed at the March 26, 2013 and a public hearing will be set for April 9, 2013.

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF PLEASANT VIEW CITY, UTAH

April 9, 2013

The public meeting was held in the city office at 520 West Elberta Dr. in Pleasant View, Utah, commencing at 6:05 P.M.

MAYOR: Doug Clifford (*absent*)

COUNCILMEMBERS: Scott Boehme (*Mayor pro-tem*)

Jerry Burns

Michael Humphreys

Mel Marker

Toby Mileski

STAFF: Melinda Brimhall Laurie Hellstrom

Bruce Talbot Paul Ellsworth

Scott Jackson

VISITORS: Terrie Stephenson Mikaela Frongner

Linda Skeen Dave Skeen

Dale Roberts Kris Adams

Whitney Tanner Isaac Langeveld

Parker Langeveld Alexa Folkman

Yvonne Weiler Kirt Peterson

Mark Adams	Sally Cluff
Kate Vaughn	Debra Call
Janna Vail	Dennis Hepworth
Merrill Harris	Bob Dempsey
Kerry Humphreys	

Pledge of Allegiance: Jerry Burns

Opening Prayer, Reading or Expression of Thought: Jerry Burns

Comments/Questions for the Mayor & Council for items not on the agenda.

No comments were made.

Business:

3. Approval of The Station at Pleasant View PUD Phase 1 Subdivision, located at approximately 2900 N HWY 89. Applicant: Horizon Development. (*Presenter: Bruce Talbot*)

Bruce Talbot: we did the Master Plan approval a few weeks ago. The planning commission looked at Phase I and recommended to the council. Since then the biggest change is what to do with the entryway. The council would like to see it as a public road and split the road down the property line or all on one property. Bruce Talbot showed the new plan with the entryway being shifted to the south and straightened up the road and the number of units dropping to 72. We still need to get a final recorded plat and the construction drawing revised because of the road shift. We need to create a public access approved by UDOT to serve the west side of HWY 89 and it would assure access. There are only two properties that need assured access; this one and Skeen's property. The other ones to the north currently have access and they are both a long ways away from this access. So we are proposing a street improvements agreement. Bruce Talbot handed out the city's standard agreement. The cost for the road required by UDOT should be shared by the two property owners. At the time of development when the access is needed at that point they would need to pay back their share to the developer that put in the road. It would be a full entryway. The planning commission did not see or approved this. This agreement is a city council item. Kirt Petersen: Bruce covered most of the items. CM Mileski: do we look at the street agreement tonight? Their city road goes back in further than your development. We need to think far enough ahead. Will it need to go back to end for the property to the north to make it developable and along the railroad? Why not go all the way back? Kirt Petersen: if this was a residential development I would say yes, but this is a commercial development. I don't think moving the road to the west helps the property to the north. Staff needs to determine the master road plan. The home to the north and to Skeen's property has access. I can't say who will access the road. No one can access through us unless on the public road. I don't think it is necessary now. CM Mileski: has the crash gate access been worked out? Is there an agreement? Kirt Petersen: let's talk about street agreement. The cost for the public road is approximately \$280K and the idea being that this access will be paid by those using it. Should it be between more than two property owners? Bruce Talbot felt that it would not apply to other property owners to the north because they have

access. The cost share is 60/40 and we pay for the costs up front and later when Skeen's property develops they reimburse us. Dave Skeen asked for access to the crash gate, if 2960 N goes in to have sewer and water connected up to him, and change the elevation on 2960 North. I am happy to accommodate as long as the cost to do those items don't impede our development. Dave Skeen is willing to pay his cost on crash gate. The sewer and water can be changed to where the manholes are. I think we can do that. The sizing of the pond may impact that. CM Mileski: the intention of the TOD zone is to get access to the frontrunner station. Kirt Petersen: I don't know. We approached the properties to the south to get a pedestrian and vehicle access but they were unobtainable. And we can't get approval from UDOT for a sidewalk. CM Mileski: what about a walking path? Kirt Petersen: it would be a shot to moon. I hope Weber County will help get access as they are starting a development. CM Mileski: why is a crash gate needed? Kirt Petersen: if there was a water break or car crash that blocks the access we would need another access to get in/out for emergencies. They are almost never used. CM Marker: what liability does the city have with the road access? CM Boehme: the city will have to plow the road. Bruce Talbot: the city would have maintenance responsibilities of the road and plow to the end of the road or agree that these guys take care of it. Paul Ellsworth: we get B&C funds for the mileages if roads. CM Humphreys: the TOD zone was suppose to make it easy to get to the frontrunner station for pedestrians and it is stated in the ordinance that it is needed. We will have pedestrians on the highway. This was the intent of the TOD zone. What about the frontage road idea? Does the property to the north, if it develops, have rights to go through there? Kirt Petersen: we will try to get a pedestrian access. We fully intend to get that but the problem it is out of our control. We approached the landowners to the south to allow public vehicle access but we haven't been given reasonable request to do that. It's a dead-end at this point. CM Humphreys: the problem is it will not be built to city standards. That non-Pleasant View property is a problem to your development. What do we do to solve that problem? There will be pedestrian walking along HWY 89? CM Burns: the city created the TOD zone before this development. We created the problem. Kirt Petersen: I hope to see a walking trail and work with south property owner. UDOT doesn't want curb and gutter or sidewalk on their designated rural roads. We will get it during Phase II. I would like you to take action on the agreement tonight for a ten year term. CM Boehme: have similar agreement been done? Bruce Talbot: yes, with Brent Bailey for Mt. View Landing, a protection strip in Deer Crest, and for Mike Wright. CM Boehme: storm drain facilities have to go in during Phase I. Bruce Talbot: yes. CM Boehme: address item #11 the 6' tall fencing and block panel design. Kirt Petersen: along HWY 89 we will put in 6' block wall- solid wall. We are fine with that. CM Boehme: what about trash collection at each housing unit? Kirt Petersen: just cans at each garage. Dave Skeen: I own the property to the north. Good job addressing the storm water drain that will continue. We don't know what will go in. The emergency gate is important. I have not signed a deed for road to be put on my property. The elevation of the road needs to be increased. I notice that their needs to be a storm drain to catch water at end of the road where the snow will be pushed. The water under road by my property need to be controlled. I not in favor of this agreement on the road. Why not offer equipment to help out as our portion. I want three active bidders acquired on that section of road only. I don't see 190' doing a lot for me. CM Mileski: what is the elevation right now? The difference is 3' split? How much work could you do on this? Dave Skeen: I could be one of the bidders. CM Humphreys: I feel comfortable approving Phase I, but Phase II will need to have a pedestrian walk. CM Mileski: I'm okay with the following: 1) access to crash gate for both properties, 2) provide a walking path on the east side, 3) address/build access to frontrunner station in Phase II, 4) extend utilities to the north, 5) split the elevation on the road 50/50, 6) adequate storm drain system on 2960 N, 7) the witness agreement is ok with idea of getting three bids and letting Skeen bid and it can be approved at a later date, 8) 350' easement for Skeen for access on west side, and 9) talk with Weber County and Mackley's for a walk through access. Once the development is private there is no obligation to do that. CM Boehme: approve: as is, with conditions, or continue? CM Boehme: Bruce, why won't UDOT allow sidewalk along HWY? Bruce Talbot: I asked the UDOT guy's and the only answer is they don't want to be responsible to deal with storm water and collection of it and because it is a high speed highway and safety concerns. CM Humphreys: they will be walking along the highway if this is built. Can we ask for a temporary walk? CM Boehme: are they not required to put in curb and gutter? Bruce Talbot: we could ask for walking path but

we no what answer has been. CM Burns: what about a small berm by the path instead of curb and gutter? Kirt Petersen: clarification on the storm drain connections to the other property will affects our storm drain pond. The retention amount will be different. CM Humphreys: I would like to see a shared cost on the road and move it half on each property and there would be control of the storm drain system. Kirt Petersen: could we make it a condition, because timing is an issued, that we could move the road back to north as a designed if no cooperation.

Motion was made by CM Mileski to approve The Station at Pleasant View PUD Phase 1 Subdivision with the recommendation items on the memo (memo dated March 22, 2013) and subject to: 1) access to the crash gate to the adjoining property to the north, 2) provide a walking path even if on private property and grant public right-of-way on east side by HWY 89, 3) extend the sewer and water to the north property and the road on 2960 N, 4) the elevation of the road on 2960 N is to be split 3' to the north property, 5) 2960 N road to have adequate storm drains, 6) witness agreement required provided that they get 3 bids and bring it will come back for council for approval, 7) 2960 N road the property to be split 50/50; half on the north property and half on the south property and built to city standards. 2nd by CM Humphreys.

Discussion on the motion. Kirt Peterson: in the event the 50/50 road agreement can't be agreed upon with Dave Skeen, can we then slide our project down to the north and the whole road on our property?

Motion was made by CM Mileski to include that if a property deed can't be achieved to allow the subdivision to move the project to the north. 2nd by CM Humphreys. Voting Aye: CM Boehme, CM Burns, CM Marker, CM Humphreys, and CM Mileski. Motion passed 5-0.

Motion was made by CM Mileski to approve the original motion and the amended motion (motion made for clarification). 2nd by CM Humphreys. Voting Aye: CM Boehme, CM Burns, CM Marker, CM Humphreys, and CM Mileski. Motion passed 5-0.



Planning Commission

STAFF REPORT

AGENDA ITEM

#4A

TO: Pleasant View City Planning Commission

FROM: Valerie Claussen, MPA, AICP
Assistant City Administrator
vclaussen@pleasantviewcity.com (801) 827-0468

MEETING DATE: March 6, 2014

SUBJECT: A.) Discussion and Possible Action on **FSP 14-008, The Station at Pleasant View, Phase 2**, for final plat approval for a 6.56-acre parcel located in the vicinity of 3000 North and Highway 89 and lies in the Transportation Oriented Development (TOD) zoning district. The subdivision will create 73 lots for a townhome development.

RECOMMENDATION

A.) Move to recommend **approval** as conditioned, to the City Council, for the Final Plat of The Station at Pleasant View, Phase 2, based on the discussion and findings in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	The Station at Pleasant View, Phase 2
Site Location	Vicinity of 3000 N and Hwy 89
Tax ID Number	19-016-0148
Applicant	Kirt Peterson Horizon Development
Owner	Kirt Peterson Horizon Development
Proposed Actions	Amended Plat
Current Zoning	TOD (Transportation Oriented Development)
Land Use Classification	Mixed Use West
Gross Site Area	6.56 acres
No. of lots	73 lots (including common area)

ANALYSIS

Background

The request is for Final Plat approval of The Station at Pleasant View, Phase 2 which creates 73 lots for townhome development of the project's second phase. (See *Attachment 1: The Station at Pleasant View, Phase 2*). Preliminary plat approval for the entire project was obtained in March 2013. The Final Plat for the first phase was recorded in April 2013.

Although final plats, by City Code, may proceed straight to Council for approval, this project type requires Commission's review and approval of the Site Plan, so it only would be appropriate to provide the final plat review for recommendation. Furthermore, the Site Plan approval is subject to Council's approval of the Final Plat.

General Plan and Zoning

The parcel is master planned Mixed Use West and zoned TOD (Transportation Oriented Development). The overall density of the project at just less than 10 DU/AC is consistent with the zoning. The final plat is consistent with both the City's General Plan and Zoning.

Final Plat Approval

Prior to final plat recordation the improvement drawings will need to be approved. The City Engineer's review comments are attached for reference (See *Attachment 2: Engineering Memo, dated February 28, 2014*) and the approval includes the conditions of approval that these comments will be addressed.

Public Comment

No public comment has been received to date.

CONDITIONS OF APPROVAL

- 1) Civil improvement plans shall be re-submitted for review and be to the satisfaction of the City Engineer. Deficient items that are identified in the Engineering Memo, dated February 18, 2014, shall be completed prior to final plat recordation (See *Attachment 2: Engineering Review Letter*).
 - a. Comment #1 and Comment #2 will be addressed by the applicant preparing and submitting an easement of the recommended width that is also more consistent with typical easement language. This revised easement will be reviewed and approved by the City Engineer prior to plat recordation.

- 2) Prior to final plat recordation, an engineer's estimate for project improvements shall be submitted, reviewed, and approved by the City Engineer. Pursuant to Section 17.20.020 of the City Code, an escrow agreement shall be established.
- 3) Final landscape plans shall be submitted, reviewed and approved prior to plat recordation.
- 4) Declarations for the establishment of a Homeowner's Association (HOA) or Property Owner's Association (POA) shall be recorded (or amendments to include the properties of the second phase) shall be recorded concurrently with the Final Plat.

ATTACHMENTS

- 1) The Station at Pleasant View, Phase 2 Final Plat
- 2) Engineering Review Letter, dated February 28, 2014



Planning Commission

STAFF REPORT

AGENDA ITEM

#4B

TO: Pleasant View City Planning Commission

FROM: Valerie Claussen, MPA, AICP
Assistant City Administrator
vclaussen@pleasantviewcity.com (801) 827-0468

MEETING DATE: March 6, 2014

SUBJECT: B.) Discussion and Possible Action on SP 14-009, The Station at Pleasant View, Phase 2, for site plan approval for the second phase of a townhome development on a 6.56-acre parcel located in the vicinity of 3000 North and Highway 89 and lies in the Transportation Oriented Development (TOD) zoning district.

RECOMMENDATION

B.) Move to **approve as conditioned**, The Station at Pleasant View, Phase 2 Site Plan, based on the discussion and findings in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	The Station at Pleasant View, Phase 2
Site Location	Vicinity of 3000 N and Hwy 89
Tax ID Number	19-016-0148
Applicant	Kirt Peterson Horizon Development
Owner	Kirt Peterson Horizon Development
Proposed Actions	Amended Plat
Current Zoning	TOD (Transportation Oriented Development)
Land Use Classification	Mixed Use West
Gross Site Area	6.56 acres
No. of lots	73 lots (including common area)

Site Plan Review

The purpose and intent of site plan review is to assure compatible and complimentary design of sites, buildings and infrastructure that further the goals and policies of the City's General or Master Plans.

Architectural Controls

The building architecture will be the same theme as the units constructed in the first phase. (Colored renderings will be available at the meeting.) The architecture includes such elements as overhead patios at entry ways, decorative roof cupolas, varying roof lines, and a variety of building materials. Building materials consist of brick wainscoting, stucco, and hardiboard siding. There are several building types that have variations from its configuration of front elevations to its color. The proposed location of the building elevations are in a staggering order along the road and help to prevent a monotonous streetscape. Such four-sided architecture and details is consistent with the TOD zoning.

Dimensional Standards

The proposed front and side yard setbacks provide adequate pedestrian access, but still minimize the distance between adjacent streets and building frontages in this residential development. The proposed building heights are consistent with the TOD zoning in that no stepback is required, as the buildings are less than three stories high. The master site plan is attached (*See Attachment 1: The Station Site Plan*)

Pedestrian and Vehicle Circulation

The project consists of connecting private roads, and a public main entrance (to provide future access to the undeveloped property to the north). A number of stub roads have also been provided that will allow for connectivity in the future. A pedestrian walkway to connect the property to the existing Pleasant View Frontrunner transit stop will be provided. The applicant has been and continues to work through obtaining that easement. A condition of approval is included to address this item. Obtaining the easement and construction shall be completed no later than the certificate of occupancy being issued to the 61st unit of the second phase.

Landscaping

A minimum of 10% of the site must be landscaped in the TOD zone, and this is accomplished by including green landscaped areas between the buildings and throughout the development. Amenity areas are also provided. The main amenity area is in Phase One, but a smaller amenity area of a second clubhouse and playground are proposed in Phase Two and are located in the western portion of the property.

Parking

While there is no clearly set parking requirement in the TOD zone, the RM (Multi-family Residential), which is the most closely related zoning district in the City's Code, does require at least one covered space per unit. The proposed units have both one and two-car attached garages.

The other established ratios for parking (in the RM zoning district) are shown below:

<i>No. of Bedrooms</i>	<i>No. of Parking Spaces</i>
Studio/One	1.5 Spaces
Two	2 Spaces
Three or More	2.5 Spaces

In addition to the garages, the development is providing additional visitor parking. This is also consistent with the additional spaces the larger residential units require.

Drainage and Grading

The final civil plans were recently submitted and reviewed with the Final Plat request and will meet City standards and are subject to the City Engineer's review and approval, prior to building permits being issued.

Public Comment

No public comment has been received to date.

FINDINGS

Site Plan Review Criteria

City Code Chapter 18.54.050 establishes the review criteria that must be established by the Planning Commission to approve a Site Plan. The findings and staff's evaluation are outlined below:

Intent and Recommendation		Staff Analysis
1)	The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community; and	Multifamily residential use at this location is appropriate as it lies in the Mixed Use West Land Use Classification and TOD zoning district.

2)	Such use will not, under the circumstance of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complementary to the existing surrounding and/or planned future uses, buildings and structures when considering existing surrounding and/or planned future uses, buildings and structures when considering traffic generation, parking building design and location, landscaping and signs; and	<p>As conditioned, the use will not be detrimental to the health, safety and general welfare. The Master Plan has classified most of the immediate area surrounding this project as Mixed Use West. The future development will include more mixed uses and the existing commercial development to the south is compatible.</p> <p>Future connectivity is anticipated with many of the stub out roads that have been provided with this project.</p> <p>The project is also serviced by Bona Vista Water District.</p>
3)	The proposed use will comply with the regulations and conditions specified in this title for such use including the design standards of the city and the standards of this chapter; and	The project meets the design standards of the City Code.
4)	The proposed use conforms to the goals, policies, governing principles, and the land uses found in the General Plan of the city; and	The use is consistent with the City's General Plan.
5)	The proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity, or the community or area as a whole.	This is a residential project. The proposed use is not anticipated to lead to deterioration of the environment, nor produce conditions or emit pollutants that would detrimentally affect surrounding properties.

Site Plan Review Purposes

City Code Chapter 18.54.030 establishes additional purposes of Site Plan approvals that should be reviewed by the Planning Commission. Those purposes and staff's evaluation are outlined below:

	Purpose and Review	Staff Analysis
1)	<p>For all uses other than single family dwellings and related accessory buildings, the following shall be in accordance with a site plan or plans (or subsequent amendment thereof as approved by the planning commission) prior to issuance of a building, or land use permit:</p> <ul style="list-style-type: none"> - the location of main and accessory buildings on the site and in relation to one another, - the traffic circulation features within the site, - the height and bulk of buildings, - the design features and materials of the buildings and site, - the provision of off-street parking space, - the provision for driveways for ingress and egress, - the provision of landscaping and open space on the site, - desired or necessary connections to adjacent sites, - access to adjacent roadways, and - the display of signs 	<p>The submitted plans provide adequate information regarding each of these items and demonstrate compliance. Areas of deficiencies were identified and are conditions of approval so that City standards are adhered to with the development.</p>
2)	<p>The Planning Commission shall endeavor to:</p> <ul style="list-style-type: none"> - assure safety and convenience of traffic movement both within the land area considered and in relation to street access, - harmonious and beneficial relation among the buildings and uses in the land area considered, and - the satisfactory and harmonious relation between such area and contiguous land and buildings and with adjacent neighborhoods. 	<p>While the development is anticipated to generate additional traffic with housing units, the reviews of this impact were previously completed by UDOT, as Highway 89 is UDOT's road. In addition, this is a facility designed to accommodate this kind of traffic. Furthermore, the points of access were minimized and established by both UDOT and the City in the access agreement plans previously adopted by Council.</p>

3)	The Planning Commission may impose any conditions or requirements designated or specified to meet the provisions of this chapter and the City's General or Master plans.	Imposed conditions of approval adequately provide the means to fully comply with City's zoning ordinance and General Plan, including the pedestrian access path from the site to the commuter train station.
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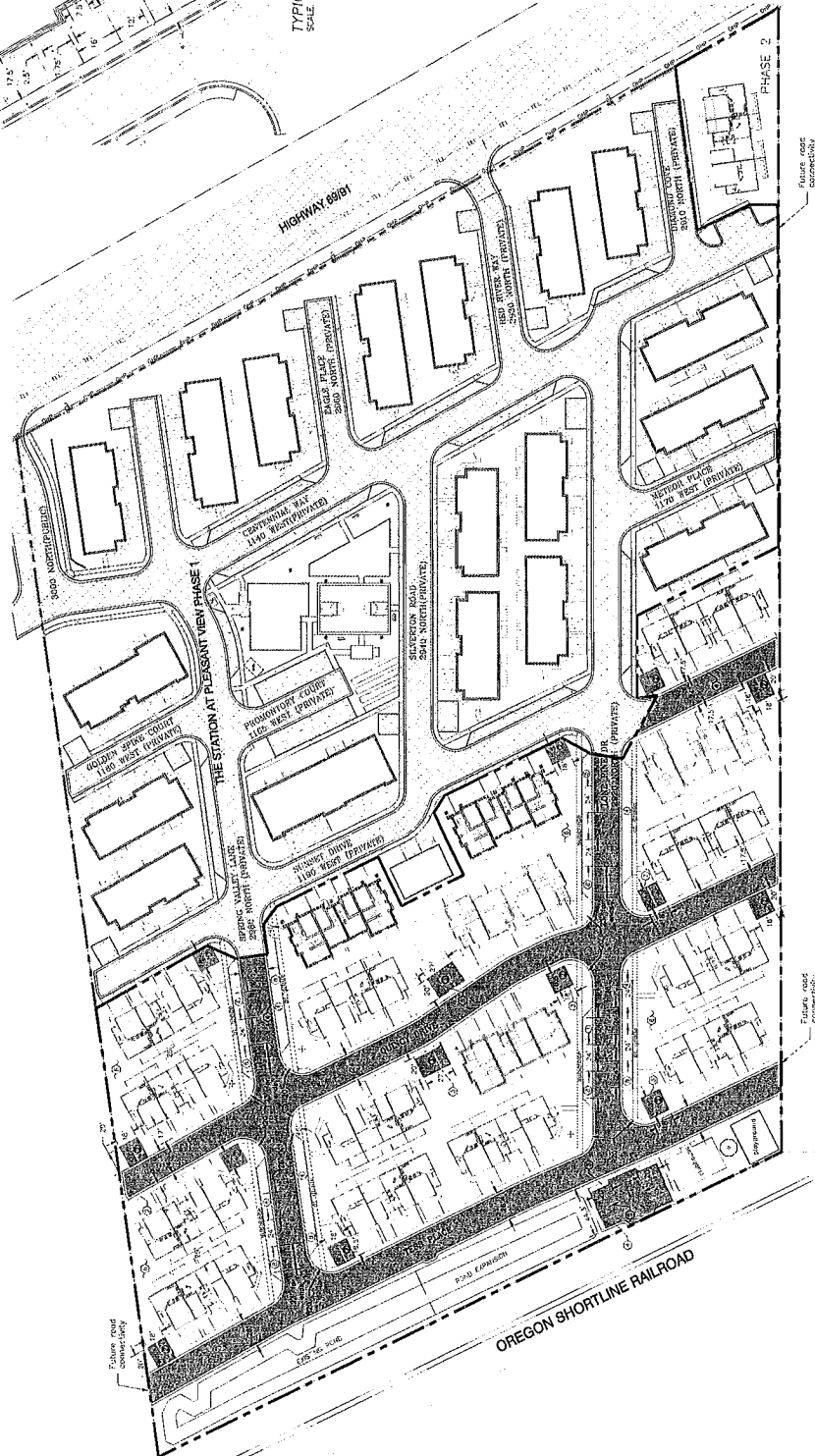
CONDITIONS OF APPROVAL

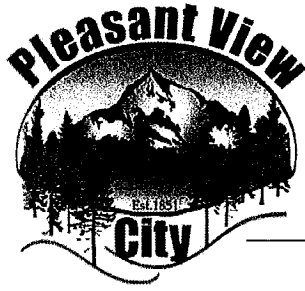
- 1) This Site Plan approval is subject to Final Plat approval by the City Council. No building permits shall be issued until such approval is obtained.
- 2) Engineering construction documents are required to be submitted and approved by the City Engineer prior to an issuance of a building permit. Drawings shall be in substantial conformance with the documents submitted in this Site Plan and Final Plat approval. A construction building plan set shall be submitted and approved by the Building Official prior to building permits being issued.
- 3) The required pedestrian access easement from the development to the neighboring train station property shall be obtained and constructed no later than the issuance of the 61st certificate of occupancy (which is equivalent to the third to the last building being occupied) of the second phase.
- 4) Applicable conditions of approval of Phase One are still in full force and effect for Phase 2.
- 5) Site Plan approval is subject to North View Fire District review and approval.
- 6) Site Plan approval is subject to Bona Vista review and approval.
- 7) Pursuant to 18.54.070, the property owner or developer agrees to install all approved and required improvements, including but not limited to: landscaping, parking lots, fences, walls and utilities (sewer, water, gas lines, utilities, streets, storm sewer and others as set forth in the subdivision ordinances of the city) to the property line or such location as required by the city to facilitate the orderly and proper development of the surrounding property. Occupancy of any building shall not commence until all required improvements, whether public or private are in place. Otherwise, the project is subject to establishing an escrow account for such improvements.

ATTACHMENTS

1. The Station Site Plan

**Hard copies of building elevations and colored renderings will be available at the Commission meeting*





520 W Elberta Drive
Pleasant View, UT 84414
Main Office (801) 782-8529

March 17, 2014

Kirt Peterson
Pleasant View Holdings II
1466 N Highway 89, Suite 220
Farmington, UT 84025

RE: Notice of Decision for SP 14-009 The Station at Pleasant View, Ph 2 Site Plan

Dear Mr. Peterson,

The request for SP 14-009, The Station at Pleasant View, Phase 2, for site plan approval for the second phase of a townhome development on a 6.56-acre parcel located in the vicinity of 3000 North and Highway 89, which property lies in the Transportation Oriented Development (TOD) zoning district, was approved by the Planning Commission on March 6, 2014, subject to the following conditions:

- 1) This Site Plan approval is subject to Final Plat approval by the City Council. No building permits shall be issued until such approval is obtained.
- 2) Engineering construction documents are required to be submitted and approved by the City Engineer prior to an issuance of a building permit. Drawings shall be in substantial conformance with the documents submitted in this Site Plan and Final Plat approval. A construction building plan set shall be submitted and approved by the Building Official prior to building permits being issued.
- 3) The required pedestrian access easement from the development to the neighboring train station property shall be obtained and constructed no later than the issuance of the 61st certificate of occupancy (which is equivalent to the third to the last building being occupied) of the second phase.
- 4) Applicable conditions of approval of Phase One are still in full force and effect for Phase 2.
- 5) Site Plan approval is subject to North View Fire District review and approval.
- 6) Site Plan approval is subject to Bona Vista review and approval.
- 7) Pursuant to 18.54.070, the property owner or developer agrees to install all approved and required improvements, including but not limited to: landscaping, parking lots,

fences, walls and utilities (sewer, water, gas lines, utilities, streets, storm sewer and others as set forth in the subdivision ordinances of the city) to the property line or such location as required by the city to facilitate the orderly and proper development of the surrounding property. Occupancy of any building shall not commence until all required improvements, whether public or private are in place. Otherwise, the project is subject to establishing an escrow account for such improvements.

The approval was subject to final plat approval which was obtained on March 11, 2014. The next step is recordation of the final plat. Upon plat recordation, building permits may be obtained. Revised civil construction drawings will be required to be resubmitted and final approval obtained in conjunction with the building plan set review. Both civil and building plans will be reviewed by the City and any comments will be forwarded to you for correction. If you have any questions or need additional information, please feel free to contact me either at (801) 827-0468 or vclaussen@pleasantviewcity.com. For coordination of building permit submittal requirements please contact Glen Willie at (801) 827-0467 or gwillie@pleasantviewcity.com.

Sincerely,



Valerie Claussen, MPA, AICP
Assistant City Administrator

CC : Melinda Greenwood (via email)
Glen Willie, Building Official (via email)
Brandon Jones, Jones and Associates (via email)
Heather Gale, City Treasurer (via email)
Ryan Barker, North View Fire District (via email)

**MINUTES OF A REGULAR PLEASANT VIEW CITY
PLANNING COMMISSION MEETING HELD**

March 6, 2014

MEMBERS PRESENT

Andy Nef
Richard Christofferson, excused
Nathan Peterson
Richard Lewis, excused
Ryan Johnson, excused
John D'Agnillo
Danielle Jeppson
Tony Pitman
Mike Humphreys, City Council Member, absent
Valerie Claussen, Assistant City Administrator/Planner
Melinda Greenwood, City Administrator
Heather Gale, City Treasurer

VISITORS

Kirt Peterson
Mark Adams
Travis Taylor

Commission Vice-Chair, John D'Agnillo called the meeting to order at 6:01 P.M.

OPENING PRAYER: Tony Pitman

PLEDGE OF ALLEGIANCE: Nathan Peterson

CONSENT AGENDA:

Nathan Peterson moved to approve the February 6, 2014 minutes as presented. Motion was seconded by Tony Pitman. Voting was unanimous in favor.

PUBLIC HEARINGS:

1. Public Hearing, Discussion and Possible Action on **ZTA 13-028** a text amendment to the Municipal Code for the inclusion of an **Adequate Public Facilities Ordinance**. (Continued from the February 6, 2014 Commission Meeting)

The Commissioners agreed to move item #1 to the end of the meeting.

2A. Public Hearing, Discussion, and Possible Action on **FSP 14-003, The Cove, Phase 2**, for final plat approval for a 6.65 –acre parcel located in the vicinity east of Hillsborough between 2700 north and 2550 north, which property lies in the RM (Residential Multi-Family) zoning district. The subdivision will create 17 lots of separate multi-family residential buildings and common area, with a total of 82 units in this phase.

2B. Discussion and possible Action of **SP 14-004, The Cove, Phase 2**, for site plan approval for the second phase of a townhome development on a 6.65-acre parcel located in the vicinity east of Hillsborough between 2700 north and 2550 north, which property lies in the RM (Residential Multi-Family) zoning district.

Valerie said that she'd like to combine 2A and 2B together and gave some history regarding the project and how it has changed over the years. Valerie said that the project is consistent with zoning and the Master Plan. Valerie said that there are some issues with engineering that we'll work through. Phase 2 will be the same as Phase 1 with 2 car garages and adequate parking for visitors, the fencing is vinyl with a minimum 15% landscaping and staff recommends approval. Travis Taylor explained the garages and the fence around the project.

Andy Nef asked about an issue with the ditch next to the property. Travis Taylor said that there's a ditch issue and they've been working with the other land owner and the final design will be approved by the city's engineer. John D'Agnillo asked if any portion of the ditch will be on Travis' property and asked if it was going to be piped because of children. Travis Taylor said that there's a gap in the fence, piping is a good idea and they can work it out and he could even fence it out of his project. Travis said that he's fine with that and he would prefer either or, but not both.

Andy Nef asked about the HOA with the apartments how this would mesh and if there's going to be an issue. Travis said there's really no change they'll be separate and there will be both rented and owned units.

Tony Pitman asked about the detention on property and asked if Travis has decided not to place a bunch a little ones around the property. Travis explained that the small depressions in the property wouldn't work and his engineer is working on making the detention areas into a few larger ones and we'll see how the city engineer likes it when the plans are done.

Tony Pitman said that he was going down the road in another city and noticed satellite dishes all over that looked really bad. Tony asked Travis to explain how they deal with satellite dishes on their units. Travis said that they have a system in place where everything is wired so that a couple of dishes take care of everyone; the wiring comes to a single point and their CC&R's have restrictions as well. Danielle Jeppson said that she thinks fencing the ditch out is a good idea. John D'Agnillo said that he thinks it's foolish to ensure that the east side of the fence be in compliance with North Ogden's ordinances because the project is in Pleasant View and we should be able to determine requirements and also dictate the fencing requirements and zoning ordinances. Valerie said there's no concern with that because of the 6' vinyl fence and the motion can state that fact.

Andy Nef moved to recommend approval to the City Council of the final plat as conditioned, based on the discussion and staff report, specifically the discussion regarding the fencing and ditch; (which must be resolved by piping the ditch on the property or fencing it out of the property, if the ditch is left on the project side of the fence, it must be piped, if it is piped it can be inside or outside of the fence), striking the reference to North Ogden City's fence ordinance. Motion was seconded by Nathan Peterson. Voting was unanimous in favor.

Tony Pitman moved to recommend approval of the site plan including the findings and facts by staff as well as the conditions of the previous motion. Motion was seconded by Nathan Peterson. Voting was unanimous in favor.

3. Discussion and Possible Action on FSP 14-006, The Station at Pleasant View, Phase 1 Amended, for amended plat approval for the purposes of amending the original plat to match the existing building footing footprint. The property is located in the vicinity of 3000 North and Highway 89 and is located in the Transportation Oriented Development (TOD) zoning district.

Valerie said that this project had 72 lots and the footprints were slightly off so this request just corrects that item. Valerie said that she has not received any public comment, it's consistent with the zoning and General plan and staff recommends approval. Tony Pitman asked how the error occurred. Kirt Peterson said that it was a clerical error by their engineer.

Danielle Jeppson moved to recommend approval to the City Council of the amended plat for The Station. Motion was seconded by Nathan Peterson. Voting was unanimous in favor.

4A. Discussion and possible action on FSP 14-008, The Station at Pleasant View, Phase 2, for final plat approval for a 6.65-acre parcel located in the vicinity of 3000 North and Highway 89 and lies in the Transportation Oriented Development (TOD) zoning district. The subdivision will create 73 lots for a townhome development.

4B. Discussion and Possible Action on SP 14-009, The Station at Pleasant View, Phase 2, for site plan approval for the second phase of a townhome development on a 6.65-acre parcel located in the vicinity of 3000 North and Highway 89 and lies in the Transportation Oriented Development (TOD) zoning district.

Valerie said that the project was approved in 2013 and it fits with the Master Plan for the Mixed-Use West, the area is zoned TOD and is consistent with the General Plan. Valerie reviewed the amenities that the project is providing that came from the standards required in the TOD zone. By the time the sixty first certificate of occupancy is given the pedestrian walkway to the FrontRunner station will be complete. Parking is adequate, there's been no public comment received to date and staff recommends approval of both items 4a and 4b.

John D'Agnillo asked about the pedestrian walkway and what the conceptual ideas are and asked if it's because of the FrontRunner station that this was required. Valerie said that we don't have designs yet but we have met with UDOT and discussions have taken place where UDOT says to build it but it must be to their

standards. John D'Agnillo said that he could define a pedestrian access as a dirt path. Kirt Peterson said that they want access and UDOT said no curb, gutter, sidewalk, but the area along the railroad tracks would be best for their residents. Mr. Peterson said that he's waiting to hear back from the adjacent property owner on how much money they'll want for the walkway to go through their property and if it's reasonable then they will go for it. Mr. Peterson said that the pathway will be either concrete or asphalt, eight to ten feet wide with fencing on both sides. Mr. Peterson said they're trying to be patient with the adjacent property owner, but they do already have UDOT approval to put the pathway along highway 89 with the right of way. Mr. Peterson wanted the Commission to know that they are vested in this project.

Tony Pitman asked Mr. Peterson to explain how they handle satellite dishes. Mr. Peterson said that they're obligated to allow satellite dishes so to negate each person putting up their own dish they have their own rules and regulations and impose a fine plus the cost of repair. Mr. Peterson said that typically a satellite dish has 4 screws, which would be a \$400 fine (one per screw hole) plus repairs for their units. Mr. Peterson said that residents sign a document when filling out their packets and usually after 1 or 2 calls it's resolved. Mr. Peterson said that they run lines to a certain point and each unit has 2 lines. Tony Pitman said that the FCC made a rule in 1966 so they have to be allowed.

Andy Nef said that he remembers the discussion regarding parking in phase 1 and he's still concerned with the width of the roads. Mr. Peterson said that every building is full and they have lots of contractors working on the project right now and there hasn't been any issues. There are four plus parking stalls for every unit including the garage and driveway and there will be 12 or 14 additional stalls at the club house which is under construction right now and we do have an occupancy load on the building as well.

Andy Nef said that he appreciates the gate on the north end and remembers it for safety purposes. Mr. Peterson said that they've ordered a large pivoting iron rod gate.

Danielle Jeppson said that she assumes the engineers notes will be addressed and asked about the easement on the sewer. Mr. Peterson said that due to the easement issue they're moving two buildings by a few feet each to make up the difference. Mr. Peterson said there are a lot of items on the engineering report and they'll be working through those. Mr. Peterson said that he has an issue with #37 on the engineering report. Valerie said that item #37 should be taken off the report and apologized for not catching that before the meeting. Valerie said that if the landscaping is not done, it'll need to be escrowed for and #2 should be stricken from the list as well.

Mr. Peterson said that they had excess dirt on their site and the property owner two parcels over took it and we have no control over what he's doing with it, so he asks the Commission to strike that item from the list.

Nathan Peterson asked why the detention basin final treatment is so close to the end of the phase when it's a critical piece of the project. Mr. Peterson said that they'll put a concrete waterway and slope the basin so it runs out and as soon as they get the ok to proceed on the west side it will be done.

Tony Pitman moved to recommend approval to the City Council of the final plat as discussed and conditioned with staff recommendations and the engineering report with the revision of striking #2 from the staff report and striking #37 from the engineers report. Motion was seconded by Danielle Jeppson. Voting was unanimous in favor.

Danielle Jeppson moved to approve the site plan as discussed and conditioned in the previous motion regarding the exceptions. Motion was seconded by Tony Pitman. Voting was unanimous in favor.

1. Public Hearing, Discussion and Possible Action on ZTA 13-028 a text amendment to the Municipal Code for the inclusion of an Adequate Public Facilities Ordinance. (Continued from the February 6, 2014 Commission Meeting)

Valerie gave some background on the General Plan and the last update and recommended the Commission close the public hearing.

Tony Pitman moved to close the public hearing. Motion was seconded by Nathan Peterson. Voting was unanimous in favor.



City Council

STAFF REPORT

AGENDA ITEM

#

TO: Honorable Mayor and City Council

FROM: Valerie Claussen, MPA, AICP
Assistant City Administrator
vclaussen@pleasantviewcity.com or (801) 827-0468

MEETING DATE: March 11, 2014

SUBJECT: Consideration and Possible Approval of FSP 14-008, The Station at Pleasant View, Phase 2, for final plat approval for a 6.56-acre parcel located in the vicinity of 3000 North and Highway 89 and lies in the Transportation Oriented Development (TOD) zoning district. The subdivision will create 73 lots for a townhome development.

RECOMMENDATION

Approve the final plat of (FSP 14-008) The Station at Pleasant View, Phase 2 Amended, based on the discussions and findings of the March 6, 2014 Planning Commission Staff Report, and authorize the Mayor's signature to any necessary documents.

BACKGROUND

Planning Commission heard this item, in conjunction with Site Plan approval for the second phase of the development, at their March 6, 2014 meeting (*See Attachment A: PC Staff Report, dated March 6, 2014*). The Site Plan was approved subject to final plat approval by Council. A few changes were recommended by the Planning Commission. (Those modifications are shown in *italics* and ~~strikethrough~~.)

ATTACHMENT

A) PC Staff Report, dated March 6, 2014



Planning Commission

STAFF REPORT

ATTACHMENT

A

TO: Pleasant View City Planning Commission

FROM: Valerie Claussen, MPA, AICP
Assistant City Administrator
vclaussen@pleasantviewcity.com (801) 827-0468

MEETING DATE: March 6, 2014

SUBJECT: A.) Discussion and Possible Action on **FSP 14-008, The Station at Pleasant View, Phase 2**, for final plat approval for a 6.56-acre parcel located in the vicinity of 3000 North and Highway 89 and lies in the Transportation Oriented Development (TOD) zoning district. The subdivision will create 73 lots for a townhome development.

RECOMMENDATION

A.) Move to recommend **approval** as conditioned, to the City Council, for the Final Plat of The Station at Pleasant View, Phase 2, based on the discussion and findings in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	The Station at Pleasant View, Phase 2
Site Location	Vicinity of 3000 N and Hwy 89
Tax ID Number	19-016-0148
Applicant	Kirt Peterson Horizon Development
Owner	Kirt Peterson Horizon Development
Proposed Actions	Amended Plat
Current Zoning	TOD (Transportation Oriented Development)
Land Use Classification	Mixed Use West
Gross Site Area	6.56 acres
No. of lots	73 lots (including common area)

ANALYSIS

Background

The request is for Final Plat approval of The Station at Pleasant View, Phase 2 which creates 73 lots for townhome development of the project's second phase. (See *Attachment 1: The Station at Pleasant View, Phase 2*). Preliminary plat approval for the entire project was obtained in March 2013. The Final Plat for the first phase was recorded in April 2013.

Although final plats, by City Code, may proceed straight to Council for approval, this project type requires Commission's review and approval of the Site Plan, so it only would be appropriate to provide the final plat review for recommendation. Furthermore, the Site Plan approval is subject to Council's approval of the Final Plat.

General Plan and Zoning

The parcel is master planned Mixed Use West and zoned TOD (Transportation Oriented Development). The overall density of the project at just less than 10 DU/AC is consistent with the zoning. The final plat is consistent with both the City's General Plan and Zoning.

Final Plat Approval

Prior to final plat recordation the improvement drawings will need to be approved. The City Engineer's review comments are attached for reference (See *Attachment 2: Engineering Memo, dated February 28, 2014*) and the approval includes the conditions of approval that these comments will be addressed.

Public Comment

No public comment has been received to date.

CONDITIONS OF APPROVAL

- 1) Civil improvement plans shall be re-submitted for review and be to the satisfaction of the City Engineer. Deficient items that are identified in the Engineering Memo, dated February 18, 2014, shall be completed prior to final plat recordation (See *Attachment 2: Engineering Review Letter*).
 - a. Comment #1 and Comment #2 will be addressed by the applicant preparing and submitting an easement of the recommended width that is also more consistent with typical easement language. This revised easement will be reviewed and approved by the City Engineer prior to plat recordation.

- 2) ~~Prior to final plat recordation, an engineer's estimate for project improvements shall be submitted, reviewed, and approved by the City Engineer. Pursuant to Section 17.20.020 of the City Code, an escrow agreement shall be established.~~
(This condition was stricken, as there are no public improvements associated with Phase 2.)
- 3) Final landscape plans shall be submitted, reviewed and approved prior to plat recordation.
- 4) Declarations for the establishment of a Homeowner's Association (HOA) or Property Owner's Association (POA) shall be recorded (or amendments to include the properties of the second phase) shall be recorded concurrently with the Final Plat.
- 5) *Comment #32 from the Engineering Review Letter, dated February 28, 2014 is stricken.*
(This condition was recommended by the PC, at the request of the applicant, who indicated that the filling of the property to the north is not their property, nor their actions.)

ATTACHMENTS

- 1) The Station at Pleasant View, Phase 2 Final Plat
- 2) Engineering Review Letter, dated February 28, 2014



0 25 50 100
SCALE: 1"=50' (24x36 PLAN SET)

229 55' 627'

UNION RAILROAD

NOTES/NARRATIVE

PROPERTY, THE SURVEY WAS REQUESTED BY ADAMS.

2. THE BASIS OF BEARING IS $E 89^{\circ} 34' 15'' N$ BETWEEN THE SOUTHWEST CORNER AND SOUTH- EAST CORNER OF THE TRACT DESCRIBED IN NORTH, RANGE 2 WEST OF THE SALT LAKE BASES, AND MERIDIAN.

3. THE PRESENT IS SHOWN ON RECORD OF SURVEY 1941.

4. ALL CONTAINING ARE LARGELY COMMON AREAS AS TO BEING USED FOR PASTURE, GRAZING, IRRIGATION AND ORANGE PRODUCE. THIS INCLUDES THE TRACTS OF LANDS BEING THE NECESSARY IMPROVEMENTS OR EXHAUSTIVE FOR A CHAIRMAN WATER SYSTEM, SANITARY SEWER SYSTEM, GAS SERVICE, ELECTRICAL SERVICE, TELEPHONE SERVICE, TELEVISION SERVICE, CABLE AND CABLE TELEVISION SERVICE, CABLES AND CABLES.

[illegible][illegible]

Walking Path Easement

Know All Men By These Presents:

That in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to

M & M STORAGE, LLC

Hereinafter referred to as GRANTOR, by PLEASANT VIEW HOLDINGS II, LLC, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant, bargain, sell, transfer, and convey unto the GRANTEE, its successor and assigns, without warranty or assurances of any nature, a perpetual easement for creation, maintenance and public use and access of a footpath only (expressly excluding the right to erect, construct, install, maintain, or lay on or under the easement described below any structure or improvement other than a paved footpath and associated fencing along the boundaries of the perpetual easement) over, across, and through the land of the GRANTOR situated in Weber County, State of Utah, said land being described as follows:

PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U S SURVEY; BEGINNING ON THE EASTERLY RIGHT OF WAY LINE OF THE O S L RAILROAD AT A POINT WHICH BEARS WEST 1689.86 FEET NORTH 1035.13 FEET AND NORTH 26°46' WEST 48 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 25, RUNNING THENCE SOUTH 26°46' EAST 318.00 FEET, THENCE NORTH 89°28'42" EAST 562 FEET, THENCE NORTH 156.38 FEET THENCE NORTH 89°28'42" EAST 390.55 FEET, MORE OR LESS, TO THE WEST LINE OF U S HIGHWAY 89, 91 AND 30-S, THENCE NORTHWESTERLY ALONG THE WEST LINE OF U S HIGHWAY 89, 91 AND 30-S A DISTANCE OF 142.25 FEET, MORE OR LESS, TO A POINT NORTH 89°26'39" EAST 1025.312 FEET FROM THE POINT OF BEGINNING, THENCE SOUTH 89°26'39" WEST 1025.312 FEET TO THE POINT OF BEGINNING. (Tax Parcel 19-016-0107)

The easement shall be 20 feet in width during construction, and run along the westerly boundary of the above described property, and upon completion the perpetual easement shall be 10 feet in width, and run along the westerly boundary of the above described property.

The easement is subject to all encumbrances of record.

The GRANTEE hereby agrees to pay damages, restore, or replace in kind, at the GRANTEE's discretion: fences, crops, underground pipes, and other improvements in the event such are damaged by the construction, maintenance, repair, replacement, or removal of the footpath.

The GRANTOR, to the extent not reasonably required for use of the footpath, retains all other rights not expressly granted herein to the property, including but not limited to the airspace above the footpath and all ground under the footpath. GRANTOR further retains, subject to GRANTEE's approval which shall not be unreasonably withheld or delayed, the right to relocate (at its sole cost and expense) the 10 foot footpath to another location on its property or adjacent property if the current location of the 10 foot footpath in the sole discretion and judgment of the GRANTOR, interferes with the GRANTOR's ability to maximize its use of its property.

This right-of-way grant shall be binding upon and inure to the benefit of the successors and assigns of the GRANTOR and the successor and assigns of the GRANTEE and may be assigned in whole or in part by the GRANTEE.

M & M STORAGE, LLC

J. Reed Mackley / owner
(Signature) (Title)

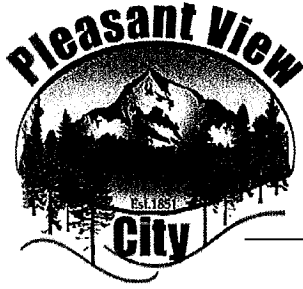
PAUL A. MACKLEY / owner
(Printed Name) (Title)
J. Reed Mackley

STATE OF UTAH)
 :SS
County of Weber)

On the 21 day of April, 2014, personally appeared before me, Paul Mackley who, being by me duly sworn, did say that he is the Manager/Member of M & M STORAGE, LLC, a Utah limited liability company, and that said instrument was signed on behalf of said company by authority of the Operating Agreement and/or Articles of Organization and the aforesaid Manager/Member acknowledged to me that said company executed the same.



Laurie Hellstrom
Notary Public



520 W Elberta Drive
Pleasant View, UT 84414
Main Office (801) 782-8529

March 17, 2014

Kirt Peterson
Pleasant View Holdings II
1466 N Highway 89, Suite 220
Farmington, UT 84025

RE: Notice of Decision for (FSP 14-008) The Station at Pleasant View, Ph 2 Final Plat

Dear Mr. Peterson,

The request for FSP 14-008, The Station at Pleasant View, Phase 2, for final plat approval for a 6.56-acre parcel located in the vicinity of 3000 North and Highway 89, which lies in the Transportation Oriented Development (TOD) zoning district, was approved by the City Council on March 11, 2014, subject to the following conditions:

- 1) Civil improvement plans shall be re-submitted for review and be to the satisfaction of the City Engineer. Deficient items that are identified in the Engineering Memo, dated February 18, 2014, shall be completed prior to final plat recordation (*See Attachment: Engineering Review Letter*).
 - a) Comment #1 and Comment #2 will be addressed by the applicant preparing and submitting an easement of the recommended width that is also more consistent with typical easement language. This revised easement will be reviewed and approved by the City Engineer prior to plat recordation.
- 2) Final landscape plans shall be submitted, reviewed and approved prior to plat recordation.
- 3) Declarations for the establishment of a Homeowner's Association (HOA) or Property Owner's Association (POA) shall be recorded (or amendments to include the properties of the second phase) shall be recorded concurrently with the Final Plat.
- 4) Comment #37 from the Engineering Review Letter, dated February 28, 2014 is stricken.

The next step is recordation of the final plat. Prior to preparing the mylars, please resubmit a revised plat and civil improvement drawings, which will be reviewed by the City and any comments will be forwarded to you for correction. A letter from the City Engineer will be forwarded to you upon final approval, and at that time the mylar may be prepared for signatures and submitted to the City. If you have any questions or need additional information, please feel free to contact me either at (801) 827-0468 or vclaussen@pleasantviewcity.com.

Sincerely,



Valerie Claussen, MPA, AICP
Assistant City Administrator

ATT: Engineering Review Letter, dated February 18, 2014

CC : Melinda Greenwood (via email)
Brandon Jones, Jones and Associates (via email)
Heather Gale, City Treasurer (via email)
Ryan Barker, North View Fire District (via email)

17.08.040 Nature and Effective Period of Final Subdivision Approval:

1. The approval of a Final Subdivision Application shall be effective for a period of one (1) year from the date the final subdivision is approved by the City, at the end of which time the final subdivision plat shall have been recorded in the Office of the Weber County Recorder. If the approved final subdivision plat is not recorded within the one (1) year period of date of approval the final subdivision approval shall be void, and the applicant(s) shall be required to submit a new preliminary subdivision application and fees, subject to the then existing preliminary subdivision application provisions of this Ordinance and all other applicable City, State and Federal requirements. For developments designed to be done in phases, each phase must meet the above requirements (receipt of application within one year of prior phase approvals). (Ord.2008-5, dated 4/8/08)

2. The City Council, for cause and under circumstances as determined appropriate by the Council, may extend the effective approval period in one year or less increments upon request by the applicant. (Ord.2009-5, dated 5/12/09)



CONSULTING ENGINEERS

MEMORANDUM

TO: Valerie Claussen, MPA, AICP – Pleasant View City Planner

FROM: Brandon K. Jones, P.E.
Pleasant View City Engineer
Jones and Associates Consulting Engineers

CC: Melinda Greenwood – Pleasant View City Administrator
Alliance Consulting Engineers

RE: **THE STATION AT PLEASANT VIEW PHASE 2**
Review Memo

Date: February 28, 2014

Our office has completed a review of The Station at Pleasant View Phase 2 Project. We recommend granting approval subject to the following:

Final Plat:

1. There is an existing Pleasant View City storm drain and sanitary sewer easement in the vicinity of the Tess Place private road running north/south. We recommend that this easement and the existing storm drain and sanitary sewer lines be shown on the plat. The existing storm drain and sanitary sewer mains are major outfall lines for the City and it would be very important for their location and associated easement to be shown on the plat; especially since the easement does not parallel the proposed private roadway. It should be noted that lots 126-129 will be platted with a portion of these lots over the existing easement. It appears that the existing 24" storm drain is approximately 10 feet horizontal from the proposed dwelling units and 9 feet deep at this location. This could present a problem if the 24" storm drain is required to be excavated for repairs, etc. We recommend that additional easement be given, if required, to ensure that there is 15' of easement from the 24" storm drain so that no structures will be built within that area.
2. We recommend that an agreement regarding restoration of surface improvements be required if the City's storm drain and sewer outfall lines located along Tess Place need repair or replacement.
3. Show the railroad line to the west as O.S.L. railroad – not Union Pacific.
4. Label playground and clubhouse areas.

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The Station at Pleasant View Phase 2

February 28, 2014

5. We recommend showing all "Parking Areas" on the plat with the appropriate designation in the legend.
6. The legend indicates "Mailbox Locations" but none are shown.
7. Show the typical distance between street curb lines (27.0 feet).
8. Show the typical distance between back of sidewalk lines (54.0 feet).
9. Complete Note #3 regarding the record of survey map.
10. Delete the reference to dedicating all water, sewer and storm drainage mains to the City in Note #8. All water, sewer and storm drain lines within this Phase will be privately owned and maintained.
11. Show the names and tax ID numbers for the adjacent land parcels to the north and the south.
12. Show the Highway as Highway 89 not Highway 91.
13. Show "record" bearing and distances on the section corner ties as indicated in the legal description.
14. The bearings on the boundary shown on the plat should be the same as indicated in the boundary description.
15. Add an additional course to the boundary description. The last course should be from the west boundary of Phase #1 (SE corner of lot 145) to the point of beginning.
16. Complete the Address/Unit area table. Paul Ellsworth with the City, will provide the addressing.
17. Add Street Addresses for Quincy Drive and Tess Place.
18. Check the closure on the Boundary Description. There appears to be a closure error.

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The Station at Pleasant View Phase 2
February 28, 2014

Improvement Plans:

19. Sheet #1 -- On note #16, reference should be made to "Bona Vista Water District" instead of the "City."
20. Sheet #1 -- On note #22, reference should be made to "Bona Vista Water District" instead of the "City."
21. Sheet #2 -- Show mainline gate valves on the culinary water system.
22. Sheet #2 -- It appears that the existing sanitary sewer manhole near lot 126 conflicts with the proposed curb and sidewalk. This potential conflict should be addressed.
23. Sheet #2 -- Show the distance between the culinary water and sewer mains as 10.0 feet (typical)
24. Sheet #3 -- The TBC to TBC distances shown on this sheet do not correlate with the typical cross sections shown on other sheets. (26.0' on plan view, 27.0' on cross section and 24.0' on plan view and 25.0' on cross section.)
25. Sheet #5 -- The profile design for Spring Valley Road shows two locations where the street centerline grade is 0.0%. How will these sections of roadway drain?
26. Sheet #8 -- Provide a note on this sheet which indicates that the sanitary sewer laterals for the units fronting on Tess Place are connecting onto an existing Pleasant View City mainline and all installation of service saddles on this mainline must be in accordance with Pleasant View City standards and subject to the inspection and approval of the City Public Works personnel.
27. Sheet #9 -- Show how the drainage from the parking lot adjacent to the Club House will drain into the detention basin across or through the proposed sidewalk.
28. Sheet #9 -- The finish surface on the detention basin should be indicated (i.e. grass, etc.) and how it will be maintained by the Home Owners Association.

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The Station at Pleasant View Phase 2

February 28, 2014

29. Sheet #9 – The allowable storm water discharge from this basin is limited to 0.1 c.f.s. per acre. (1.44 c.f.s for this site). Our calculations indicate that the orifice outlet in the outlet structure must be reduced to 5" diameter to limit the outflow to the required rate.
30. We are concerned that the basin bottom is proposed as flat without any bottom drainage grade. This condition will promote the growth of wetland type vegetation over time as water will be standing in the bottom for prolonged periods of time, which makes maintenance of the detention basin and long-term functionality difficult. We recommend that the bottom of the basin be graded to drain to the outlet structure (at least 0.5% grade—preferable 1.0% grade). This will reduce the detention volume. So, additional changes will be needed in order to provide the volume required.
31. Also, the north and south basin inlet pipes should be piped to the central inlet/outlet structure.

General Comments:

32. The final plat shows the Tess Place roadway stubbing into the adjacent properties to the north and the south with the apparent intention to providing future traffic access and circulation. This is desirable; however, as all roadways in this development are private roads, there should not be any cross traffic use unless there is an agreement with the adjacent properties to use the roads in this development. In the end analysis, these stub roads may be useless.
33. We are assuming that all proposed building structures will be "slab on grade" construction without basements. This area is subject to high ground water conditions. Structures with basements should not be approved.
34. It would be helpful for this project to provide a landscape plan for all of the common areas.
35. Approval from the North View Fire Department for this development is required.

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The Station at Pleasant View Phase 2

February 28, 2014

36. Approval from the Bona Vista Water District for this Phase is required. We are assuming that Bona Vista will provide water for both residential inside culinary needs together with any outside sprinkler irrigation. Bona Vista will require that only a maximum of 15% of the gross area can be irrigated with Bona Vista water. It would be helpful for the final plans to show the irrigated landscaped areas documenting that the irrigated areas does not exceed the maximum 15% limitation.
37. It has come to our attention that material from this site is being placed on top of City storm drain and sewer manholes on the property to the north. These manholes need to be raised to grade with new manhole sections, not just grade rings under the cover.
38. This Phase will need a separate Storm Water Pollution Prevention Plan. This plan should be submitted to our office for review and approval.
39. When the construction plans and plat are in final approved form, they must be submitted to our office in an electronic format.
40. The developer's engineer must submit a detailed cost estimate of the required improvements. When approved, this document will provide the basis for the improvement guarantee with the City.
41. Prior to construction, the developer and his construction contractor must hold a pre-construction conference with the City.

April 23, 2015 and May 14, 2013 Council Minutes from meetings regarding Zoning amendments of RM Requirements, Mixed Use Zones, Gateway Zones, and Changes of Zoning

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF PLEASANT VIEW CITY, UTAH

April 23, 2013

The public meeting was held in the city office at 520 West Elberta Dr. in Pleasant View, Utah, commencing at 6:02 P.M.

MAYOR: Doug Clifford (*attended by skype*)

COUNCILMEMBERS: Scott Boehme (*Mayor pro-tem*)

Jerry Burns

Michael Humphreys (*absent during items #6-#12*)

Mel Marker

Toby Mileski

STAFF: Melinda Brimhall Laurie Hellstrom

Scott Jackson Brandon Jones

VISITORS: Ryan Simmerill Laura Simmerill

Dale Roberts Sally Cluff

Yvonne Weiler Dallen Andrew

Daniel Judd Dennis Hepworth

Jim Hyde Adrienne Rees

Trevor Rees Linda Skeen

Heidi Smith John Tebbs

Dan Davis Ann Booth

Pledge of Allegiance: Mel Marker

Opening Prayer, Reading or Expression of Thought: Mel Marker

Comments/Questions for the Mayor & Council for items not on the agenda.

No comments were made.

Consent Item:

Motion was made by CM Burns to approve the April 9, 2013 minutes with changes. 2nd by CM Mileski. Voting Aye: CM Boehme, CM Burns, CM Marker, CM Humphreys, and CM Mileski. Motion passed 5-0.

Business:

3. Public Hearing continued from 4/9/13 – Zoning amendments (RM Requirements, Mixed Use Zones, Gateway Zones, Changes of Zoning). (*Presenter: Bruce Talbot*)

Motion was made by CM Humphreys to continue the public hearing for the Zoning amendments (RM Requirements, Mixed Use Zones, Gateway Zones, Changes of Zoning). 2nd by CM Mileski. Voting Aye: CM Boehme, CM Burns, CM Marker, CM Humphreys, and CM Mileski. Motion passed 5-0.

CM Boehme: Bruce Talbot will be late. Mayor Clifford: let's get comments from the public and have Bruce Talbot put together several options. Ryan Summerill: I live in the Willowbrook PUD Subdivision. I oppose the Mixed Use West which would allow multi-use apartments. Pleasant View is restricted from telling developments no because it opens the city up to liability. There are areas that apartments are not allowed. The original agreement (with the developer owning property west of Willowbrook PUD Subdivision) states that the property would be a commercial use. In Section 4 of the Mix Use West the area by us is the only area that apartment could go in. The property east of 1000 W south of 2700 N would not be good for commercial on one way street but good for apartments. We started out in apartment complex which are good for a community and it builds tax revenue. The language explicitly puts apartments in by us and that is not the intention. Sally Cluff: I live in Willowbrook PUD. I am opposed to apartments. There have been restrictions put in this area and it is not what the city has envisioned. I am opposed to high density housing. CM Burns: thanks for the input from Willowbrook PUD Subdivision. Are there any other issues you are concerned with? Ryan Summerill: when I moved here I looked at the zoning I knew there was a trailer park next to us and I was okay with that but not multi-family apartments and the density of 20 units per acre. I like the restriction on SOB's. A zoning change goes through the planning commission and city council and this change would eliminate those votes. CM Boehme: this is an ordinance change not an actual zone change. CM Mileski: but if the ordinance is applied to an acceptable plan it could go through. CM Humphreys: what would be your objection to medium density? Gateway East has 8 units per acre and townhomes. Ryan Summerill: my concern is access to our private community and density and height limit concerns. Mixing public and private communities together is a concern. We plow our roads, maintain our roads, and it's our liability. CM Humphreys: would you consider expanding your community? Ryan Summerill: I could see something like that. I can't see a lot of homes on highway 89. John Tebbs: I'm the developer of that property. I live in Bountiful. At the meeting I held with the home owners and we addressed some of their issues. Burt Brothers Tires is considering the site. They have air ratchets all day long and they are not a clean business. Should I talk with them? I rather not do that. I want apartments. CM Marker: it seems there are two chooses. John Tebbs: anything but multi-family on HWY 89 will not sell. Medium density is hard to get the

numbers. CM Mileski: what are the number of lots? John Tebbs: there are six lots between the roads and two lots to the north. We need to work with 18-24 units per acre numbers. I promise you it will be really nice. I proposed 144 then down to 120 units with three story buildings with traditional financing. CM Burns: what about a good landlord program? Ryan Summerill: I proposed it. It requires background checks, no gangs, etc. CM Boehme: I also proposed it. John Tebbs: as long as the regulations are not hyper restrictive. It could be too hard to rent out. We mostly have commercial properties that we rent out. Dale Roberts: the development can make promises and once it sold the promises go away. Burt Brothers Tires close at 6:00 and the apartments never close. The Willowbrook Subdivision has a valid concern. Dallen Andrew: I live in Willowbrook PUD. I oppose multi-family south of 2550 N. We just gone through this a few months ago. We are open to commercial there. Dan Davis: I live in Cherrywood. If we can't attract businesses our taxes will have to go up and I am opposed to that. Adrienne Rees: I would love a tire shop or other business in that location. I would love not have a three story complex. We have beautiful land around us and it gives us happiness to see open land. CM Boehme: any other comments? None were given.

Motion was made by CM Mileski to continue the public hearing to the next regular or special meeting as needed. 2nd by CM Humphreys. Voting Aye: CM Boehme, CM Burns, CM Marker, CM Humphreys, and CM Mileski. Motion passed 5-0.

CM Burns: have Bruce Talbot bring ideas together at the next meeting. CM Boehme: e-mail your ideas to Bruce Talbot.

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF PLEASANT VIEW CITY, UTAH

May 14, 2013

The public meeting was held in the city office at 520 West Elberta Dr. in Pleasant View, Utah, commencing at 6:01 P.M.

MAYOR: Doug Clifford

COUNCILMEMBERS: Scott Boehme

Jerry Burns

Michael Humphreys

Mel Marker

Toby Mileski

STAFF: Melinda Brimhall Laurie Hellstrom

Scott Jackson Fred Hellstrom

Brandon Jones

VISITORS: Dennis Hepworth Sally Cluff

David W Ryon Summerill

Laura Summerill Kirt Peterson

Mark Adams David Skeen

Terrie Stephenson

Pledge of Allegiance: Scott Boehme

Opening Prayer, Reading or Expression of Thought: Scott Boehme

Comments/Questions for the Mayor & Council for items not on the agenda.

CM Burns: as we are meeting a youth group is doing volunteer work around the office.

Consent Item:

Motion was made by CM Boehme to approve the minutes of April 23, 2013 (open). 2nd by CM Burns. Voting Aye: CM Boehme, CM Burns, CM Marker, CM Humphreys, and CM Mileski. Motion passed 5-0.

Business:

1. Request an exception to the Home Occupation Business License to allow an employee who is not a resident of the premise. (*Presenter: Laurie Hellstrom*)

Motion was made by CM Mileski to approve an exception to the Home Occupation Business License to allow BMR Auto to employ an employee who is not a resident of the home. 2nd by CM Humphreys. Voting Aye: CM Boehme, CM Burns, CM Marker, CM Humphreys, and CM Mileski. Motion passed 5-0.

2. Public Hearing continued from 4/9/13 – Zoning amendments (RM Requirements, Mixed Use Zones, Gateway Zones, Changes of Zoning). (*Presenter: Bruce Talbot*)

Motion was made by CM Humphreys to continue the public hearing for the Zoning amendments (RM Requirements, Mixed Use Zones, Gateway Zones, Changes of Zoning). 2nd by CM Boehme. Voting Aye: CM Boehme, CM Burns, CM Marker, CM Humphreys, and CM Mileski. Motion passed 5-0.

Bruce Talbot reviewed the updated RM and Mixed Use Ordinances. CM Boehme: it needs something to facilitate mixed use and ensure a good mix. Bruce Talbot: that creates a challenge. It's a problem when you pick one type of housing for limitations and problems with rules not equally allowing all uses. We could add intent language. CM Boehme: along those lines could we put in a percentage of mixed use within the zone? Bruce Talbot: it still might be problematic. CM Burns: it's just that an 'intent'. CM Boehme: there would be no teeth to do anything. Mayor Clifford: it's a problem without teeth. Bruce Talbot: you might have a good argument and could ask them to alter their plans. CM Boehme: it could say 'every development needs a mixture'. Bruce Talbot: limit uses of property could be more of a mastering planning issue. Mayor Clifford: in EDA area there is a limitation on how much can be retail. Bruce Talbot: that is written in State law. Doug Clifford: how can they get away with that? Bruce Talbot: to foster employment and jobs and not let municipalities take advantage of the EDA's. CM Boehme: take out permitted uses in that zone. CM Mileski: it has a certain number of units per acre to limit it. Bruce Talbot: There is the zoning designation, the standards in zone and definition of density. Mayor Clifford: it appears that it comes down to where are we going to allow residential and why, and a density question. Bruce Talbot: showed different zones on General Plan Map. Mayor Clifford: what are we trying to do? CM Boehme: limit the number there and keep a certain feel in the city. We need to have multifamily in city but not sure that we need much more than what we have approved. CM Mileski: reduce density and increase density for home ownership developments. CM Boehme: south and west of

HWY 89 and 2700 N, a great commercial area, we now say they could have apartments? CM Mileski: could change to allow apartments north of 2700 N. Bruce Talbot: RM Standard is really for apartments. We could change the title to 'Apartment Standard'. Then we get into other types; townhomes, twin homes, and condo. They are found in Mixed Use Standard where there is the 200' standard. We are now asking if that is appropriate. What is an appropriate density number? No development will occur with anything less than 8 units to the acre. There is no advantage to do that. If a higher density is allowed you could get some of those developments. The 200' rule says we want to preserve some commercial area. CM Mileski: there is the problem with the one way road. Mayor Clifford: there is a concept of circles with core developments surrounding your commercial. CM Boehme: the area west of HWY 89 and north of 2700 N is for apartments. Mayor Clifford: do we allow apartments in the EDA area? Bruce Talbot: I don't know but that is not what the EDA was set up for. Mayor Clifford: the council needs locations and densities. Zoning areas were discussed. Mayor Clifford: does the council agree not to have apartments south of 2700 N? Council agreed. Bruce Talbot: the Cove has 18-20 units to the acre if they go with apartments. Mayor Clifford: if we go with 12 units to the acre no apartments will be built because it's not profitable. Bruce Talbot: it could be dropped to 18 units per acre and still work. Mayor Clifford: are there anymore comments on the RM? CM Burns: put in the intent language for future councils. Bruce Talbot: if projects are limited to 50 units it is unlikely they would have an onsite manager and the amenities would be limited. There is a rationale behind the number of units. CM Mileski: at 50 units at 18 units to the acre they would need to have three acres to do a project. Mayor Clifford: is the council okay with 50 units? Council agreed. Bruce Talbot: 35' height standard is the same standard as in the residential zones and it would allow three story apartment buildings. CM Mileski: is The Cove three stories? Bruce Talbot: yes. CM Mileski: I like two stories better but need more land to get amenities. CM Boehme: it needs to be more specific by what is meant by solid walls/fences. Bruce Talbot: it would be addressed in the planning process. CM Boehme: no, I want a solid structure fence. It could easily fall through the process. I would like to see a nicer fence. CM Mileski: what about burning instead of a fence? CM Humphreys: I would like to see a combo. CM Boehme: they need to look nice. Mayor Clifford: is that acceptable to the council? Council agreed. CM Boehme: I am okay with burning and trees. Change 'perimeter fencing' to 'perimeter solid fence'. Bruce Talbot: I will work on the wording. CM Boehme: I am worried about the safety issues without enough lighting. CM Mileski: could I suggest parking lot lighting should be required. Council was okay with that. Bruce Talbot: garages are a selection item for amenities. CM Boehme: I don't think this is the correct place to add the land lord program. The council discussed the color schemes, shutter, etc variations happening every 25 units. Bruce Talbot: I would recommend keeping the density at a higher level. Fifteen units was changed to eighteen units. Bruce Talbot: the Mixed Use is for anything but apartments. CM Humphreys: properties with two corners are a concern to me. It would take up more of their property. Eliminate one corner. The council reviewed the ordinance and made changes i.e. taking out the apartment wording where appropriate, striking the 200' requirement, taking out storage units which would make Wildcats Storage non-conforming in the Mixed Use East. 'Minor Repairs' was struck from Mixed Use West. Mayor Clifford opened the public hearing to comments from the public. Dennis Hepworth: I am unclear where apartments are allowed in regards to the parcel on south of 2700 N and east of HWY89. CM Mileski: apartments are allowed. Dennis Hepworth: the side of that property that borders 1000 W is restricted to the 200'. Would that space be part of the total acreage in the calculation of acreage for development restrictions? Bruce Talbot: he would be restricted to the 200'. CM Boehme: commercial doesn't go towards the total acreage of apartments. Bruce Talbot: if it came in as a complete project would you count it? Dennis Hepworth: if I could use the acreage I could get the numbers to 18. Mayor Clifford: it should say that in the ordinance. Add it. Kirt Peterson: the restriction won't affect the TOD Zone? Bruce Talbot: it's been approved and there will not be new rules for your development. Ryan Summerill: thank you for your time and listening to us and our input.

Motion was made by CM Boehme to close the public hearing. 2nd by CM Burns. Voting Aye: CM Boehme, CM Burns, CM Marker, CM Humphreys, and CM Mileski. Motion passed 5-0.

Motion was made by CM Mileski to approve the Zoning Ordinances; Section 20.08-Changes of Zoning, 20.38-Gateway Zones, 20.32-RM (Residential Multi-Family) Requirements, and 20.40-Mixed Use Zones. 2nd by CM Burns. Voting Aye: CM Boehme, CM Burns, CM Marker, CM Humphreys, and CM Mileski. Motion passed 5-0.

Bruce Talbot: this needs to be done by ordinance. I will have this for you at the next meeting in ordinance form.

**MINUTES OF A REGULAR PLEASANT VIEW CITY
PLANNING COMMISSION MEETING HELD**

June 6, 2015

MEMBERS PRESENT

Andy Nef
Nathan Peterson
Richard Lewis
Keith Preece
Kristi Hales
Danielle Jeppson, excused
Tony Pitman
James Cummings
Neil Amaral, excused
Mike Humphreys, City Council Member, absent
Valerie Claussen, Assistant City Administrator/Planner
Heather Gale, City Treasurer

VISITORS

Tony Pitman
Laurie Lindsay
David Skeen
Linda Skeen
Jim Jensen
Lynette Jensen
Kepa Pete Chertudi
Chris Casey
Lucy Casey
Ben Casey
Dawn Casey
Kirt Peterson
Mark Adams
Bruce Baird

Commission Chair, Danielle Jeppson called the meeting to order at 6:01 P.M.

OPENING PRAYER: Neil Amaral

PLEDGE OF ALLEGIANCE: Keith Preece

CONSENT AGENDA:

Keith Preece moved to approve the agenda. Motion was seconded by Richard Lewis. Voting was unanimous in favor.

SCHEDULED ITEMS:

1. Public Hearing, Discussion, and Possible Action on CUP 15-005, a request by Kirt Peterson, with Pleasant View Holdings IV, LLC for a Conditional Use Permit for the adoption of Master Development Guidelines for a multi-family high density residential use of 132 units on 9.97 acres zone located at approximately 2900 North Highway 89 (TIN: 19-016-0023), which property lies in the TOD (Transportation Oriented Development) zoning district.

Andy Nef moved to open a public hearing. Motion was seconded by Nathan Peterson. Voting was unanimous in favor.

Valerie Claussen mentioned the public comment that was submitted to her that she provided for the Commission. Valerie gave an overview of the project area and the previous phases that had been given approvals. Valerie informed the Commission that phase 3 was never discussed and there are no previous approvals for this phase we're discussing tonight. Valerie reviewed the process that takes place with applications and described and read details regarding the TOD zone and its requirements and purpose. Valerie said this proposal has no mixed use, which means the entire 10 acres would include 132 residential units. Valerie said that we have other zones that this type of development would work well in, but the TOD zone as described in the ordinance and the requirements of a mixed use element are missing from this proposal. The water is no issue because this property is the west side of Highway 89 and will fall under Bona Vista.

Valerie said there are other issues with this plan described in the staff report including roads, specifically access and fire code. Staff had a difficult time making the findings to approve a Conditional Use Permit and the zoning is questionable. The Commission can grant, deny or approve this request with findings.

Kirt Peterson said there are 24.5 acres total and currently there are 144 homes on (14 acres) and we are proposing an additional 132 units.

Valerie said that the entire TOD zone that currently exists was granted when the property came back to the city after being de-annexed at a previous point. Richard Lewis said that back in 2013 this development showed 4 coves with connectivity in the future and to this date (2 years later) there's still only one entry. If it's supposed to be that way for phases 1 and 2, then what can we expect with phase 3? Valerie said that the units are almost doubling and it would have to be looked at. Richard said that his point is, the other accesses haven't panned out and he would like to know what we can expect to be done about this access. Danielle Jeppson said that as long as it is deemed safe by North View Fire and our engineers, it would be ok and we could look at access in the future. Richard Lewis said he feels we've got the cart before the horse.

Andy Nef said there's one access, but a frontage road connecting access points in the future is what's been the theory in the past but it's up to the land owner. There are minimal connections along Highway 89 with UDOT and Mr. Skeen understood at the time of the previous phases that it would be only the one access and high density may not be viable.

Keith Preece asked about the mixed use and if the TOD zone specifies that 20% or 2-5 acres must be used for commercial, then why are we even considering this application. Valerie stated that the CUP was approved for phases 1 and 2 only and this is a new application that we've never seen before. Keith said that if you must provide a blend of retail, office, etc., my question is where's the 20% blend? Valerie said that's one of the issues with the application.

Danielle Jeppson asked for public comments.

Jim Jensen said please don't think the small number of people at the meeting represents the number of people who are against this project. The tragedy with the family who lost members in the Bear Lake boat accident has hit their area hard and many people are trying to help the family right now. Jim said that the TOD zone specifies there should be a mix and this project has omitted those portions other than residential. We have houses; we now need office, retail, etc. We would like to see that plan, but the current plan does not keep with the vision of the Master Plan or benefit us in any way. We ask the Commission to deny this request and only allow a true TOD.

Ben Casey asked how the current 144 units have affected the police department or other city services. Melinda Greenwood said that she knows the police have responded to the project, but she doesn't have numbers or what types of calls they were. Ben Casey said that they must be trying on the city budget and resources. Ben said his mother currently lives on Highway 89 and it impacts her driveway. Ben asked why we're addressing this if we have no idea what's coming. Ben asked for more space for the kids to play and he sees it going and encroaching on other retail areas.

Laurie Lindsey said there's not much tax base here and asked why we would want more homes and not retail. Why are there only 2 ways in and out when we're doubling the number of homes and putting more traffic onto highway 89? I wish that there were more people here tonight, but as mentioned the tragedy that has happened is preventing others from being here because they're helping the family.

Matt Payne said that numbers here tonight don't reflect the number of people who are against this. As far as water, do we have water, what are the restrictions and shouldn't we be more proactive? Valerie Claussen said that this area is west of highway 89 and Bona Vista services their water. Phases 1 and 2 were already in queue and approved before we put a temporary moratorium in place regarding water. Currently there is an adequacy determination that must take place, but Bona Vista is able to provide service should this application get approved.

Matt Payne asked how this is going to improve or benefit the city and how the first two phases benefitted or improved the city. Valerie said in the past that's a philosophical question. Richard Lewis said that if anyone would like to read land use rules, you'd understand our hands are tied sometimes. We have to comply with state laws and leave personal feelings out of it. Matt Payne asked why there are so many years between the zoning change and now. Valerie said that the area was rezoned TOD in 2008 and at that time that was the vision. Mr. Payne asked how many homes have gone in since that time and said the city has changed. There is a lot of tax money coming in from those homes; collectively there are about 400 homes at a \$400,000 value. Valerie stated that were in the middle of a General Plan update and the last update was done in 2009. Mr. Payne said the city has a responsibility to protect the value of their homes. Melinda Greenwood said the state protects private property rights and explained the difference between state laws and city ordinances. Melinda said we have rules we have to follow by law and residents need to show up at the appropriate time when changes to land use are being discussed. Unfortunately sometimes we are past that time of input and get far

enough that we're past where we can do anything. Mr. Payne said his vision is something different than the direction we're heading and this is the last place he'd like to be on a Thursday night. Melinda said we've received lots of comments that there's enough high density housing in the city, and the appropriate time to discuss that is when the General Plan is in front of the Commission and the City Council. There's always the issue of timing. Mr. Payne asked what they need to do, because he can get 400 people's signatures on a petition if we need it. Richard Lewis said you can schedule your calendar to be here the first Thursday of each month for this meeting. Valerie said if anyone wants to leave their information we can keep you informed of General Plan meetings. Danielle Jeppson said that the Commission really appreciates all the comments and the Commission tries to speak for the residents when they do the General Plan update. Danielle said that maybe the outcome won't be what you want, but you can do something by participating in the General Plan update. Danielle said that we hear you, but we have to follow the law. Mr. Payne said the previous Mayor lived up on the hill and proximity makes all the difference. Mr. Payne asked where he can get a copy of the vision. Melinda Greenwood said there are currently 3 open Council seats up for election. The meetings are the second and fourth Tuesday each month and your voice would be heard if you were a Council member. Mr. Payne said that he doesn't have time for that, but he'll vote for someone who has a similar view.

Chris Casey said it's simple; they've not complied with what's required. They haven't done what they said they would. My regular truck has a hard time getting turned around because of the current development there, not to mention the amount of trash that comes onto my property from them during construction. Those are my concerns.

David Skeen said that he's glad to attend the meeting and asked to give a short history of the property. Back in 2004 we were de-annexed out of Pleasant View. We didn't feel the city was helpful to us at that time as the closest sewer line was on 1000 west, so we determined that we could put in our own sewer. We re-annexed and the city was anxious to get us back, it was something we were asked to do. There were a total of 77 acres disconnected and after several meetings with the state, county and city trying to figure out if we would come back and support growth in the area and tax base. The state invested a lot of time and Boyer had Smith's and Target and couple of other clothing stores looking at coming to our city, and we didn't say yes you wouldn't have mixed use because we have the sewer. The TOD zone came from this property and we need commercial where it is so now we need rooftops. We wanted a no zone and we trusted city officials that came to me. We would like high density and Boyer is still looking for that for Pleasant View. We know we wouldn't be able to sell \$300,000 homes because of the light rail, but condos would be ok. Mayor Fisher wanted us back, why would we come back otherwise? We're doing what's best for all, beautiful, first class town homes. I'm a 50 year resident and I know that 46% of people can't afford a home and are using lesser money to survive, that's why the TOD zone is all along the rail and that's why it's fair. It was always meant for high density and we put the most important two along highway 89 and 2700 north. I ask you to listen to developers and I would caution you to be careful to not devalue my land. Bruce Talbot knew this would be here and I think Pleasant View has more growth to do. In 2008 I had retail in Pleasant View with Elmer Bailey's storage units. Less than 18% of the city bought it. This is going to be rooftops to bring in the retail and I don't think there's room on my property to bring them back in.

Mike Medina said he's a resident of Pleasant View and actually a commercial real estate broker out of Salt Lake City. Mr. Medina said he's a big proponent of TOD's, if done correctly. He has clients that handle TOD's and he's very concerned with how Pleasant View is handling this. Let's make sure it's done correctly. Mr. Medina explained the usual process of TOD designs and said he's very concerned with this project being mid-grade value and his question is this TOD doesn't seem to consider everything. Mr. Medina said he's concerned about more phases and how it's being presented. If done correctly it could be a good thing, but he doesn't think we should misstep before we make sure it's correct. Mr. Medina said he would turn it down and ask for more information. He also offered to help and asked the city to use his knowledge and skills as a public service.

Vit Sandofsky said he moved here in 1980 to raise his family. It has been adequately stated that the TOD should have a mix of retail, residential, etc. and the residential is already there. If 50% of the zone is utilized by residential and we say yes to this, then 75% would be residential. The question is where is the room for the other components? If the zone needs to be mixed, then I suggest we make it mixed, this way we will have the commercial and retail along with the residential that will bring tax revenues, instead of putting more pressure on the city budget.

Bruce Baird asked if his client can have the opportunity to speak because they would like to be heard. Danielle Jeppson said of course the applicant can speak and invited Mr. Peterson to speak.

Kirt Peterson with Horizon Development presented a slide show with pictures of what the units would look like. Mr. Peterson said he's been conforming to codes and building multifamily homes for 15 years and he's excited to continue this project. Mr. Peterson described the current home construction and said there are great residents living there. Current project amenities were described and pictures of various events being held at their community center were shown. A member of the audience asked if the pictures were of the project in Pleasant View. Bruce Baird, also from the audience spoke to the Commission Chair saying they didn't interrupt when the public had a chance to speak. Mr. Peterson did respond that the pictures were taken at the Pleasant View property and continued that these are excellent properties with good people and with the city's landlord program they're great because they manage their own properties. Mr. Peterson said they don't allow anyone with a criminal background in and they strictly enforce their rules. There is a long waiting list and that's why we want to build more, there's a huge demand. These homes are not necessarily the traditional, but they're the way of the future.

Keith Preece asked, because it's in a TOD zone, if it would be better to have a mixed use, because it would be better for the city as well, if it were mixed. Mr. Peterson said the property we're discussing has been for sale for years and he wouldn't say that Mountain View Landing has been successfully utilized because there are units available. Keith Preece said other cities with TOD's have restaurants, etc. that are great for them. Mr. Peterson said he thinks the demand in Pleasant View is different. Keith Preece said that growth is moving north and eventually it's going to be here. We're trying to follow the Master Plan and the vision for that plan and if this is approved then 100% of the TOD area will be residential. Valerie said that's correct.

Mr. Peterson said he would compare a similar area in downtown Bountiful where the old JCPenney used to be. UDOT was supposed to get an off-ramp there that never happened, and now it's multi-family with retail on the 1st floor and there are still vacancies there. Just because we want it there doesn't mean it's coming. I'd be happy to get a report from the original study that the existing access at The Station is adequate. We fought to get access, but it's under UDOT's control. If there's a major event and we need to, we can open the crash gate and immediately have another access point. Valerie said that they'll have to work with UDOT because the subdivision ordinance requires two accesses. Kirt said they have another access, it was approved with the first two phases. Valerie said that's when the shared access was determined. This is a new phase and when the other phases came to the city, this northern area was never discussed and it wasn't known at that time. The board game changed when the new phase was introduced with this application.

Bruce Baird said he's legal counsel for the applicant and he'd like to address a few legal issues. First of all, this is not a change of zoning request; they're here to get a Conditional Use Permit. Mr. Baird said he wrote the statute in state law and he has reviewed the entire file. There are not four accesses required and we'll meet anytime, anyplace and we'll even bring the donuts. The 20% retail, etc. is not in the code and as far as a benefit to the community, it's a benefit because it's in the zone as a Conditional Use. Mr. Baird read from the Utah Land Use Code and explained his interpretation of what the word detrimental means in the law. The city staff report has highlighted zero detrimental effects and that's not a detrimental use. Mr. Baird read from a previous staff report and said the report is opposite but with the same use. Valerie said that was a different phase. Mr. Baird continued that there is no legitimate detrimental reason to deny, you can't. What about private clubs, let's see what Pleasant View residents think about that. That's the only detrimental effect, not retail, etc. You can't make the last piece of land responsible for this issue. They didn't do it right, solely the city's fault, the city hasn't done it right.

Keith Preece said that what Mr. Baird is saying, that the purpose and intent of the TOD should have been put on the front end. Mr. Baird cited more codes and said that this property owner shouldn't be held responsible for the entire TOD mixed use portion just because he's coming in at the end.

Danielle Jeppson said she feels like Mr. Baird is not allowing a discussion when that's what we're trying to do. Neil Amaral said that he felt the Commission was being bullied. Mr. Baird said that you can't retro-actively put this in place and you can't deny it either.

Mike Medina said that his concern is it wasn't done correctly in the beginning and he's nervous about continuing the effort before we clean it up. Mr. Medina said he feels it appropriate to table the item for review to make sure it's in line and it's currently 100% residential which is not a TOD. Mr. Medina said we should

revisit this project and make it beautiful like it could be. UDOT is a pain in the butt and they'll be the monarchy above us all. Let's make sure we don't have any more issues and get this designed correctly. Further north we won't have much more happening, but this will be a major issue if we don't design it correctly now.

David Skeen said studies have been done and he's had 12 people working on it. Mr. Skeen said that Mr. Medina has no education to be saying what he just did. There are 44 acres to still be developed in the TOD. Why can't the mixed use or retail go further up north? Our studies are correct. The properties that belong to Dickemores and Flemings were supposed to be the commercial areas. Bailey's has mixed use and ours was supposed to be high density. If there was something better we could use it today.

Danielle Jeppson said this property is not zoned high density residential, it's zoned TOD. Kirt Peterson said that he'd like to request a vote tonight one way or the other. Andy Nef asked if anyone has looked at putting commercial use on this property. Kirt Peterson said yes, they've considered it. Keith Preece said considered, but not studied. Keith said he doesn't think the Commission has any issues with the look and he doesn't know of anyone who refers to those residents as those people. Laurie Lindsay said that she took Mr. Baird's approach as bullying, as well as veiled threats and insults. Mr. Baird from the audience responded that they were not veiled. Keith said that it was put out there as a retail/ high density mix. He has many dealings with residents of that area and he works with some of them, but it's zoned as a TOD, it should be a TOD.

With no further public comment, Andy Nef moved to close the public hearing. Motion was seconded by Neil Amaral. Voting was unanimous in favor.

Andy Nef asked if there are further staff comments. Valerie said this falls in the Master Design Guidelines and phase 3 was never contemplated. As it's brought to the Commission tonight, it's a TOD zone. Phase 2 came in 2013 and was granted preliminary approval at that time and in 2014 and it was honored as that and granted final approval. Guidelines would have to be adopted. Nathan Peterson asked if Phases 1 and 2 in the TOD had a density placed on them. Valerie said our TOD has a maximum, but most have a visual plan. This was probably copied from someplace else. The maximum is 50 acres, which is asinine for Pleasant View City. We don't have a minimum. It also said it could be developed up to 50 percent of commercial.

Danielle Jeppson said we get a lot of public comment about crime rates, etc. Danielle said she's part of the younger generation that tends to like this type of development, but it's not about that. If the applicant is following the TOD ordinance then our opinions don't matter, so we should discuss this based on facts.

Richard Lewis said we're not looking at a rezoning, just considering whether or not a Conditional Use Permit can be applied to the existing zoning. Valerie said also the Master Design Guidelines, and you'd adopt those as well with this proposal. Keith Preece asked if they could set a percentage if anyone wanted to make a motion in favor of the request. Valerie said the options are to deny, continue and discuss at a later meeting or could accept proposal with a condition of approval with a percentage attached as to how many units are conditionally allowed.

Keith Preece said he appreciates Mr. Peterson's efforts and the community looks nice. Keith said he's served on other Planning Commissions and we have a responsibility to make the city look nice and we realize property owners have rights. This area was adopted as a TOD zone and if we allow 100% residential then all this exercise in the past is in futility. Keith said he's feeling bamboozled that this is what's being proposed and he doesn't feel comfortable approving this.

Danielle Jeppson said she agrees and feels there a reason this area wasn't zoned high density residential. It's a mix and that was the intent because it's written in the zone. Danielle said she thinks it'd be safe to assume the property owner knew that was what was being proposed. Kristi Hales said she agrees it should be mixed use.

Keith Preece moved to deny the CUP request based on the discussion, staff report findings and comments from the meeting. Motion was seconded by Neil Amaral. Voting aye were: Jeff Hill, James Cummings, Andy Nef, Nathan Peterson, Keith Preece, Danielle Jeppson, Neil Amaral and Kristi Hales. Voting no was: Richard Lewis. Motion passes.

OTHER BUSINESS:

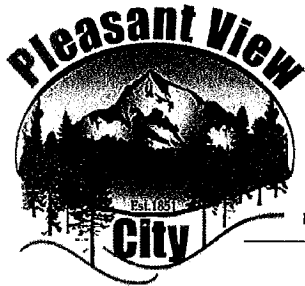
2. Commission business.

Keith Preece left the meeting at 7:58 pm. Kristi Hales mentioned that the Planning Commission has been invited to participate in the parade of Salmon Bake for Founder's Day. Danielle and Neil both said that they'll walk in the parade and hand out candy with two other family members each. Andy Nef said that he'd also like to participate in the parade.

3. Staff communications.

Valerie gave a brief update on projects and what the City Council has heard at their last couple of meetings. A brief discussion took place regarding the walking path extension as well as the 4300 North extension.

Meeting was adjourned at 8:20 pm.



520 W Elberta Drive
Pleasant View, UT 84414
Main Office (801) 782-8529

June 12, 2015

Kirt Peterson
Pleasant View Holdings IV
1466 N Highway 89, Suite 220
Farmington, UT 84025

RE: Notice of Decision for The Station at Pleasant View, Phase 3 (CUP 15-005 and the TOD "MDGs")

Dear Mr. Peterson,

The request for a Conditional Use Permit, for the adoption of Master Development Guidelines for a multi-family high density residential use of 132 units on 9.97 acres zone located at approximately 2900 North Highway 89 (TIN: 19-016-0023), which property lies in the in the TOD (Transportation Oriented Development) zoning district was denied by the Planning Commission on **June 4, 2015**. The basis of the decision is the purpose and intent of the TOD zoning district for mixed-use development were not met with the current proposal consisting of only a single use and not a blend of other compatible non-residential uses.

If you have any questions or need additional information, please feel free to contact me either at (801) 827-0468 or vclaussen@pleasantviewcity.com.

Sincerely,

Valerie Claussen, MPA, AICP
Assistant City Administrator

CC : Mike Houtz, *Attorney for the City* (via email)
Melinda Greenwood, *City Administrator* (via email)
Heather Gale, *Treasurer/Executive Secretary* (via email)

Pursuant to Municipal Code 18.54.100, the City Council shall be the Appeal Authority and all appeals of actions [for Conditional Use Permits and Site Plans] shall be heard by the City Council. Appeal requests must be submitted to the Community Development Department within thirty (30) days of the action appealed, which final action is considered the date of this written notice.

Melinda Greenwood

From: Toby Mileski
Sent: Thursday, November 05, 2015 8:54 PM
To: Melinda Greenwood
Subject: FW: Transportation Utility Tax

From: melman66@comcast.net [melman66@comcast.net]
Sent: Thursday, November 05, 2015 5:26 PM
To: Toby Mileski
Subject: Transportation Utility Tax

When is it going to end? Every time I get something in the mail. Your asking for more money! When we first moved into Pleasant View, almost 10 years ago our utility bill averaged \$30.00 a month. Today's bill is \$64.55. Double what it was. Now you want to raise it anywhere from \$5.00 to \$15.00!!! What the crap is going on here? I thought that was what property taxes was for!!! Were on a fixed income. Every time I get something in the mail someone wants more money. We need to vote you out. All you want is more subdivisions, not businesses. To help with tax relief. When was the last time a new business opened in Pleasant View?

City	Fee/Month	Comments
American Fork		No
Blanding		No
Bountiful		No
Cedar Hills		Has been presented to Council, but they are adverse to it
Centerville		No
Clearfield		Was a back up plan for Prop 1 not passing.
Cottonwood Heights		No
Farmington		No
Fruit Heights	\$ 7.50	Plus an increase in property tax for a total of ~\$15
Heber		No
Highland		They are considering a fee.
Nephi		No
North Ogden	\$3.50	
North Salt Lake		Likely won't implement since Prop 1 passed.
Payson		No, they are looking at it.
Pleasant Grove		Currently under a study with consultant and will likely implement next year.
Provo	See below	
Sandy		No
Santa Clara City	\$ 2.00	
South Jordan		No

Provo	
Category	Fee per Month
Residential A - Single-Family	\$3.50
Residential B - Multifamily	\$2.10
Commercial A (< 100 Trip-Ends)	\$9.50
Commercial B (100 - 199 Trip-Ends)	\$25.10
Commercial C (200 - 599 Trip-Ends)	\$75.50
Commercial D (600+ Trip-Ends)	\$225.50
Public Use A (< 300 Trip-Ends)	\$20.50
Public Use B (≥ 300 Trip-Ends)	\$91.50

-- Funding Analysis --

Class C Road Fund from the State = \$250,000.00

New Fuel Tax (WFRC Est.) = \$50,000.00

New Sales Tax (WFRC Est.) = \$87,000.00

General Fund = \$50,000.00

Total Additional Annual Revenue Target = \$313,000.00

Total Annual Revenue = \$750,000.00

Land Use	ERU's	% Share	% Burden	Revenue (Year)	Revenue (Month)	Monthly ERU Rate (\$/ERU)
Commercial	286.1	9%	7.0%	\$21,910.00	\$1,825.83	\$6.38
Institutional	575.9	19%	3.0%	\$9,390.00	\$782.50	\$1.36
Residential	2,223.0	72%	90.0%	\$281,700.00	\$23,475.00	\$10.56
Total	3,085.1	100%	100%	\$313,000.00	\$26,083.33	



Pleasant View City Corporation

Transportation Utility Fee

Cost and Improvement Summary

Date: October 8, 2015



Definitions:

RSL -- This represents the "Remaining Service Life" of a road, measured in years.

ERU -- This represents an "Equivalent Residential Unit". In this case, 1 ERU equals 1 single family home.

Current Funding & Street Condition:

ERU's = 2,882

Current Annual Funding = \$350,000

Current Average RSL = 7.61

Current % of streets w/ RSL = 0 (in failure) = 5%

Scenario	Additional Cost ¹			Total Cost ²		Street Condition ³	
	Monthly Cost (\$/ERU)	Annual Cost (\$/ERU)	Total Annual Cost	Total Annual Cost	Total 10-yr Cost	Average RSL	% of streets w/ RSL = 0 (in failure)
1	\$0.00	\$0.00	\$0	\$350,000	\$0	5.18	65%
2	\$5.00	\$60.00	\$172,920	\$522,920	\$5,229,200	7.10	52%
3	\$10.00	\$120.00	\$345,840	\$695,840	\$6,958,400	8.95	41%
4	\$15.00	\$180.00	\$518,760	\$868,760	\$8,687,600	10.41	32%
5	\$20.00	\$240.00	\$691,680	\$1,041,680	\$10,416,800	12.03	22%
6	\$25.00	\$300.00	\$864,600	\$1,214,600	\$12,146,000	13.57	12%
7	\$30.00	\$360.00	\$1,037,520	\$1,387,520	\$13,875,200	14.83	< 1%

1 -- The "Additional Cost" represents additional funding beyond the amount that the City currently has available to fund towards streets. This is the amount in question. This correlates with the "Street Condition" representing the amount of improvement that would result from the corresponding "Additional Cost" (e.g. If each residential home / ERU were charged \$15 per month, then the average RSL would increase from 7.61 to 10.41 over the next 10 years, leaving 32% of the streets in failure in the year 2025).

2 -- The "Total Cost" represents the current annual funding of \$350,000 per year plus the "Additional Cost" proposed, summarizing the total amount spent on streets each year.

3 -- The "Street Condition" represents the condition of the streets city-wide after the next 10 years, or the year 2025.



Pleasant View City Corporation

End Trip Generation Calculation

ERU Analysis -- Weighted by Land Use

Date: November 3, 2015



--- Commercial ---

Name	Service Address				ITE Land Use Trip Generation (per day)				Total Units	Total Trips	% Heavy Truck Traffic ²	ERU's/ Unit ³	Total ERU's	Monthly Rate \$/ ERU \$6.38
	Address	Street	Code	Description	Units	Rate ¹	Weight Tickets (June '14 - May '15)							
1 Butlers Construction	Gravel Pit			Gravel Pit		2.00			25	50	90%	0.7	17.5	\$111.65
2 Pleasant View Warehouse	2710 N.	1000 W.	151	Mini-Warehouse	1000 s.f.	2.50			4,480	11	20%	0.4	1.8	\$11.43
3 ARW Engineering	1594	Park Circle	710	General Office Building	1000 s.f.	11.03			7,816	86	0%	1.2	9.4	\$59.84
4 Praisideo	1590 W.	Park Circle	710	General Office Building	1000 s.f.	11.03			7,058	78	0%	1.2	8.5	\$54.04
5 Aero Kraft Tool Corp	2731 N.	1600 W.	150	Warehousing	1000 s.f.	3.56			11,900	42	5%	0.4	4.8	\$30.37
6 Anatra Cabinetry	2723 N.	1600 W.	140	Manufacturing	1000 s.f.	3.82			8,100	31	5%	0.5	4.1	\$25.84
7 Brett Bower	2719 N.	1600 W.	152	High-Cube Warehouse/Distribution	1000 s.f.	1.68			6,000	10	5%	0.2	1.2	\$7.66
8 Rocky Mnt. Testing/Robert	2758 N.	1600 W.	150	Warehousing	1000 s.f.	3.56			6,000	21	5%	0.4	2.4	\$15.31
9 Gary Stoker	2711 N.	1600 W.	710	General Office Building	1000 s.f.	11.03			4,000	44	0%	1.2	4.8	\$30.62
10 Jeff Clark Warehouse	2743 N.	1600 W.	150	Warehousing	1000 s.f.	3.56			8,772	31	0%	0.4	3.5	\$22.39
11 R. Lynn and Wendy Thomas (Fastenal)	2710 N.	1600 W.	152	High-Cube Warehouse/Distribution	1000 s.f.	1.68			21,000	35	5%	0.2	4.2	\$26.80
12 Beneficial Oil Co. (Dentist, Edward Jones)	2685 N.	1000 W.	720	Medical-Dental Office Building	1000 s.f.	36.13			9,656	349	0%	3.8	36.7	\$234.10
13 Wildcat Storage	945 W.	2700 N.	151	Mini-Warehouse	1000 s.f.	2.50			27,004	68	20%	0.4	10.8	\$68.91
14 Haul-A-Day	920 W.	2550 N.	110	General Light Industrial	Acres	51.80			1,42	74	20%	8.4	11.9	\$76.10
15 Admiral Beverage Company (Pepsi Plant)	2733 N.	1000 W.	152	High-Cube Warehouse/Distribution	1000 s.f.	1.68			181,712	305	0%	0.2	36.3	\$231.86
16 Western Rebar	1525 W.	Stone Field Way	710	General Office Building	1000 s.f.	11.03			3,169	35	0%	1.2	3.8	\$24.26
17 Lamont Hesselgesser	2703 N.	1600 W.	720	Medical-Dental Office Building	1000 s.f.	36.13			1,620	59	0%	3.8	6.2	\$39.28
18 JD Machine	2744 N.	Parkland Blvd.	140	Manufacturing	1000 s.f.	3.82			38,025	145	5%	0.5	19.0	\$121.30
19 Purity Technology	1541 W.	2740 N.	110	General Light Industrial	1000 s.f.	6.97			15,807	110	5%	0.8	12.6	\$80.68
20 Lomond View Nursery	304 W.	Pleasant View Dr.	817	Nursery (Garden Center)	1000 s.f.	68.10			2,000	136	3%	7.7	15.4	\$98.25
21 Hopkins Family Enterprises	859 W.	Pleasant View Dr.	435	Multipurpose Recreational Facility	Acres	90.38			0.69	62	0%	9.5	6.6	\$41.82
22 Toby Milecki	877 W.	Pleasant View Dr.	710	General Office Building	1000 s.f.	11.03			2,256	25	0%	1.2	2.7	\$17.27
23 Straw Market	879 W.	Pleasant View Dr.	852	Convenience Market (Open 15-16 hrs)	1000 s.f.	31.02			2,400	74	0%	3.3	7.9	\$50.53
24 Ted Holtlys	1536	Stone Field Way	710	General Office Building	1000 s.f.	11.03			8,832	97	0%	1.2	10.6	\$67.62
25 The Barn Golf Course	305 W	Pleasant View Dr.	430	Golf Course	Acres	5.04			116	585	0%	0.5	43.5	\$277.53
Total													286.1	\$1,825.46

¹ Heavy Truck Factor = 3.76

² 1 ERU = 9.52 trips / day

³ Rate based on the Land Use ITE Trip Generation Manual, 9th Edition. The Rate represents trips/unit on a weekday. For land uses with high variability, the trip generation rate was evaluated based on a local use estimate.

--- Institutional ---

Name	Service Address		ITE Land Use Trip Generation (per day)				Total Units	Total Trips	% Heavy Truck Traffic ²	ERU's/ Unit ³	Total ERU's	Monthly Rate \$ / ERU	
	Address	Street	Code	Description	Units	Rate ¹							
26 8th, & 9th Wards LDS 2nd	250 W.	Elberta Dr.	560	Church	1000 s.f.	9.11	21,850	199	0%	1.0	21.9	\$29.72	
27 10th, & 11th Wards LDS 3rd	3602 N.	500 W.	560	Church	1000 s.f.	9.11	35,700	325	0%	1.0	35.7	\$48.55	
28 12TH, 6TH LDS 5TH	900 W.	Pleasant View Dr.	560	Church	1000 s.f.	9.11	25,000	228	0%	1.0	25.0	\$34.00	
29 14TH 15TH LDS CHURCH 4TH	3035 N.	HWY 89	560	Church	1000 s.f.	9.11	18,400	168	0%	1.0	18.4	\$25.02	
30 L.D.S ORCHARD : JEFF PETERSON Seasonal (2 months)	1366 W.	Pleasant View Dr.	818	Nursery (Wholesale)	Acres	3.11	26.58	83	0%	0.3	1.3	\$1.81	
31 Reeves LLC (The Growing Tree)	2647 N.	1000 W.	565	Day Care Center	1000 s.f.	74.06	4,000	296	0%	7.8	31.2	\$42.43	
32 LOMOND VIEW SCHOOL #1 NORTH Seasonal (9 months)	3644 N.	900 W.	520	Elementary School	1000 s.f.	15.43	78,768	1,215	0%	1.6	94.5	\$128.55	
33 WEBER LDS SEMINARY - 18 Seasonal (9 months)	3600 N.	460 W.	710	General Office Building	1000 s.f.	11.03	18,105	200	0%	1.2	16.3	\$22.16	
34 WEBER HIGH SCHOOL Seasonal (9 months)	3650 N.	500 W. #1	530	High School	1000 s.f.	12.89	315,847	4,071	0%	1.4	331.6	\$451.03	
							Total	575.9					\$783.27

¹ Heavy Truck Factor = 3.76

² ERU = 9.52 trips / day

³ Rate based on the Land Use ITE Trip Generation Manual, 9th Edition. The Rate represents trips/unit on a weekday. For land uses with high variability, the trip generation rate was evaluated based on a local use estimate.

To: Mayor Mileski & City Council Members

From: Melinda Greenwood, City Administrator *mg*

CC: Valerie Claussen, Assistant City Administrator/Planner;
Brandon Jones, City Engineer; Eldon Cottle, Resident
Pickleball Champion



Meeting Date: November 10, 2015

Re: Discussion and report on the final closeout of the Pickleball Court Project

The City Park Pickleball project is officially complete. Final pay requests have been processed, and staff is reporting final costs on the project. The total amount spent on the project from its inception was \$236,371.11, with financial contributions coming from the following parties:

- RAMP Grant – \$85,000.00
- Private Donations – 29,230.00
- City Funds - \$122,641.11

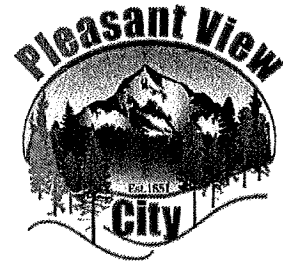
At the October 28, 2014 City Council Meeting, staff reported that \$25,673.25 had been spent on engineering services for the pickleball courts (please refer to the October 28, 2014 memo for more information). The total cost of the initial design (Design 1) and site selection was 31,487.00. After bidding the project and having costs come back rather high, this design was eventually scrapped, as Councilmember Marker and resident Eldon Cottle felt the design could be improved. Costs for Design 2 were an additional \$16,560.25.

All told the project had 430.5 engineering man hours, and total costs paid out to Jones and Associates were \$51,197.50. Again, these services include everything from RAMP grant assistance, compiling cost estimates, site selection, preliminary and final design, use of GPS equipment, bid/RFP preparation, coordination of utility requirements, preparation of contract documents and inspections.

The attached table gives a detailed history of all of the expenditures.

Detailed Expenditures			
Date	Vendor	Description	Amount
Various	Jones & Associates	Engineering, design, inspection services, etc.	\$ 45,197.50
9/10/2014	The Bench Factory	4 benches	\$ 3,087.30
9/17/2014	Ogden Publishing Company	Advertisement - Full Bid	\$ 553.93
2/28/2015	Ogden Publishing Company	Advertisement - RFP	\$ 404.45
2/28/2015	Ogden Publishing Company	Advertisement - Site Work	\$ 555.93
4/7/2015	Hansen and Associates	Survey Work	\$ 596.00
4/11/2015	Intermountain Testing	Compaction testing	\$ 151.60
5/3/2015	Intermountain Testing	Compaction testing	\$ 318.60
6/6/2015	Intermountain Testing	Compaction testing	\$ 57.60
6/17/2015	EK Bailey Construction	Construction	\$ 36,458.79
6/18/2015	Tennis and Track Company	Construction	\$ 53,778.43
6/29/2015	EK Bailey Construction	Construction	\$ 3,007.30
6/30/2015	Stone Supply	Monument sign	\$ 1,500.00
6/30/2015	All Metals Fabrication	Shade structure	\$ 4,800.00
8/31/2015	Tennis and Track Company	Construction	\$ 26,343.32
10/5/2015	EK Bailey Construction	Construction	\$ 53,560.36
Total			\$ 230,371.11

To: Mayor Mileski & City Council Members
From: Melinda Brimhall Greenwood, City Administrator *MBG*
CC: Valerie Claussen, Assistant City Administrator/Planner;
Brandon Jones, City Engineer
Date: October 28, 2014
Re: Engineering Services for Pickleball



At the October 28, 2014 City Council Meeting, staff reported that nearly \$25,000.00 had been spent thus far on engineering services for the pickleball courts. The budgeted amount for the project as a whole was \$150,000.00, which included \$85,000.00 in RAMP funding, ~\$20,000.00 in donations, and the remaining amount of \$45,000.00 was city funds. All total, the City has spent \$26,229.18, leaving a balance of \$123,770.82 for the project.

In general terms, our contract engineer assisted staff for over 300 hours in the following areas notated below.

- RAMP grant preparation, including compiling cost estimates – \$866.50
- Site Selection \$5,486.50
 - Jacob's Mill – \$835.50
 - Barker Park North – \$2,113.50
 - Barker Park South – \$1,456.00
 - City Park - \$1,081.50
- Preliminary design, final design, coordination of donated/committed services and materials, bid solicitation and public advertising, bid and contract document preparation, etc. – \$19,320.25
- GPS/Survey equipment – \$60.00

It is important that the Council understands that in essence, the engineering firm is an extension of our full-time staffing levels. Our engineering firm has access to software programs, equipment and has expertise that we simply can't provide in-house.

Typical engineering costs on a given project average between 10-12%. The costs on the pickleball project are consistent with the overall cost of the project. On this particular project, the bid came back at \$232,387.60; therefore, typical engineering/design costs on this project should fall between \$23,238.00 - \$27,886.00.

Monthly breakdown on the hours and costs for the pickleball project are:

Month/Year	# Hours	Cost
Jan-14	8.5	\$866.50
Apr-14	36.75	\$3,138.75
May-04	14	\$1,933.50
Jun-14	46.25	\$3,974.25
Jul-14	65.75	\$5,284.50
Aug-14	11	\$1,006.50
Sep-14	118.25	\$9,469.25
TOTAL	300.5	\$25,673.25

For specific details on the billable hours on this project, please refer to the attached extracts from the monthly Jones & Associates invoices. Please note that the attached information on billable hourly rates is protected and considered proprietary. It is not meant to be distributed to the public.

We also spent \$555.93 for the bid advertisement in the Standard Examiner.

If you have any further questions or would like more details, please let me know.

PLEASANT VIEW POLICE DEPARTMENT

520 West Elberta Drive
Pleasant View, Utah 84414

Ryon M. Hadley
Chief of Police

Phone (801) 782-6736
Fax (801) 782-2058

October 2015 Police Department Statistics

Calls for service -----721

Traffic stops ----- 136

Citations ----- 93

Total Violations ----- 115

Arrests ----- 4

November 7th Drug Arrest:

Approximately \$5,000 cash and \$50,000 in narcotics seized during a traffic stop. Subsequently a search warrant was obtained for a related residence in Pleasant View where additional drugs and paraphernalia were seized.

